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China

Ward

Feb. 13-1890



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Hong Kong.

February 13<sup>th</sup> 1860.

My dear Sir

I beg to return you  
my sincere thanks for your  
kind letter of the 29<sup>th</sup> of Jan  
this morning received.  
The approval of my conduct  
by the President & yourself  
is more than a reward for  
all my labor in China.  
Our Treaty has been of  
full force and the English  
are claiming its principle,  
"under the most favored nation clause."



The claims of American  
citizens have all been  
adjudicated and settled  
I believe to the entire satis-  
faction of all parties  
interested and almost  
one half paid and  
receipted for the balance  
is now rapidly being  
collected.

When the mission to China  
was accepted by me, the  
President was kind enough  
to say that "after this work  
was done I might leave  
China & remain a short time

in Europe" of this per-  
mission as you may well  
imagine I am most un-  
willing now to avail myself  
but I am unwilling to do  
any thing which may in  
any manner embarrass an  
Administration to which  
I am indebted for the office  
I now hold and the  
present condition of China  
is such that my departure  
might be commented upon  
by the enemies of the Admin-  
istration and regretted  
by its friends.



Your kind letter allows  
me the privilege of writing  
more fully than would  
be permitted in a public  
dispatch upon the con-  
dition of things in China  
and the dangers which we  
have reason to apprehend  
with the Chinese, themselves,  
Government and People.  
Our relations have never been  
as kind & cordial as at the  
moment. They look upon  
us as friends who would  
benefit them if we could  
and are satisfied that we desire

to deal justly with them  
 in all things. but France  
 & England or rather their  
 representatives officials  
 rather are chafed beyond  
 proportion at the position  
 America would most  
 gladly involve us in the  
 approaching contest. the result  
 of which can neither be  
 foreseen nor foretold.  
 The English & French hold  
 the possession of Canton.  
 the Chinese authorities are  
 nominally only the rulers there



The Garrison of the house  
and against that of  
the allied commissioners,  
it is separated but by a  
short distance. No one  
enters the dwelling of the former  
without the knowledge  
of the latter. The gates of the  
one are guarded by the  
Soldiers of the other. The  
believed officer cannot  
therefore be said to be a  
free Agent & two questions  
have arisen demanding  
the utmost care on the one  
hand to maintain our

position of equal right  
with the allied powers  
in possession of the city  
and on the other not to  
be involved with them  
in their war upon China  
The first question was  
that of the reorganization of  
the Customs House at Canton  
I have written fully upon  
this subject in one of my  
public dispatches but  
that question was not  
settled with great diffi-  
culty. The American authori-  
ties had been treated with  
great neglect if not contempt  
The English minister had ex-



arrived and apprised  
their ~~styles~~ they were sent to Mr  
Perry & he was instructed  
to obey them. I refused to per-  
mit him to recognize them  
until they had been sub-  
mitted to him & by him  
to me and accord to my  
entire satisfaction.

The earlier question was  
the next embarking on  
I was very anxious to do  
full justice to the blind  
I could not shut my eyes  
to the fact that American  
ships had most man-  
ful

violated the regulations of  
the Port & had become the  
receptacle of poor men  
most shamefully stolen  
from their homes & most  
inhumanly treated. I was  
satisfied that an examina-  
tion on board the vessels  
under the control of their  
Tormentors was a farce  
& that in deciding whether  
they would or would  
not emigrate, they would  
only give an independent  
answer in Canton under

the protection of their  
own authorities & that this  
was due to them, but I  
could not consent that  
the Allies should in any  
manner control or even  
interfere with the exami-  
nation. I therefore on my arri-  
val in Canton sent for  
Mr. Park, the manager there  
of the Allies & said to him  
that Americans had no  
interest in the hauls on  
Bora the ships that they  
were claimed by Spain and

& therefore I could not  
question the right of the  
Governor to receive them from  
the ship if they were deemed  
as kidnapped & stolen  
subjects of the Emperor of China  
but that the character of the  
ship being involved I could  
not permit the Allies to take  
any part in the examination  
or to exercise any jurisdiction  
over any one landed from  
the ship until they had been  
discharged after an exami-  
nation. He said he could not  
give me an answer without



consulting his colleagues  
and the Allied Commanders  
I told him that if the exami-  
nation was not entirely  
under the control of the <sup>French</sup>  
con & Chinese officials, they  
should not be landed  
in Canton. in the afternoon  
the agent of all parties to  
this was given & the boats  
were landed & examined  
by Williams. I fear that as  
the papers were not to a  
thorough understanding of  
this case cannot be copied  
in time for this mail. so that  
I must refer you to my next dispatch

4  
for the conclusion of this  
difficulty. I regret that the  
examination reflected no  
credit upon American  
Captains engaged in this  
trade. but on the contrary  
most loudly calls for the  
action of Congress

The ships have all been  
relieved I almost regret  
to say without even pecu-  
niary loss although the  
English charter & Spanish  
owners of the coolies must  
have been great sufferers  
not however as much as  
they very justly deserved

with the movements of  
France and England you  
are of course much better  
informed than I am but  
the impression here is that  
a very large force is now  
on the way to China &  
that it is the intention  
of the Allies to march upon  
Peking. I am satisfied that  
such would not be the  
decision of Mr Bruce. He  
sees very clearly the diffi-  
culties and dangers of  
such a movement and  
his policy I am sure would

be to bring the Chinese  
to terms by taking the forts  
attached last summer at  
the mouth of the Peiho  
River. Should this course of  
action be adopted all  
may yet end well.

The Chinese are alarmed  
and anxious for peace &  
will make almost any con-  
cessions. Mr Bruce Schiere  
to be a man of humanity  
and good judgment but  
will he be able to control  
the French, or even the English  
Generals, Admirals and  
other officers thirsting for  
promotion and gain.



and commanding Soldiers  
Marines and Sailors, have  
been going for plunder? I hope  
that the French Minister has  
declared that he would enter  
Peking only with "the British  
Army" as his escort.  
The consequences of such  
a movement cannot be  
foreseen. The Russian Com-  
mander of Siberia said to  
me, when I met him last year  
at the mouth of the Tschoung-  
"Seng-kou shall never be  
permitted to make an India  
of China."

The Emperor of China is now  
only twenty nine years of age.

is and will be from  
dissipation, he has no  
use of his limbs but is  
moved about in an  
iron chair upon wheels.

Will he be permitted to  
remain in Peking? If re-  
moved from the capital what  
will be the effect upon the  
Government now rocking  
to its very foundation  
and the whole People even  
High Mandarins, impressed  
with the superstition of the  
country that this dynasty  
having now existed the usual

Time of Three hundred years  
must be overthrown?

Will the Muscovite permit  
the American to subjugate  
the Tartar who sire his  
country in such close  
proximity to his own  
border? Some one per-  
haps all of these questions  
will be answered this sum-  
mer. Pending their solution  
what should be the position  
of the Representative of the  
United States? My own  
opinion is that he should  
keep aloof and at a distance  
unless invited by the Chinese

to intepore his offices for  
the arrangement of their  
troubles and unless other  
will instructed by you  
I shall adopt this course  
Two of the Gov Generals of  
China have called in <sup>attention</sup>  
to that clause in our Treaty  
& have said to both it  
would afford me great  
pleasure to comply with  
its stipulations. but that  
the Imperial Commission  
must make the appli-  
cation if he desired my  
services. My own opinion  
is that suspicion would  
cause him to reject my ser-  
vices if tendered. Pride will



prevent his asking them  
& that if tendered or asked  
I would be able to do nothing  
to satisfy the English &  
French still I shall go  
worth as soon as the  
Spring commences &  
remain at Shanghai  
prepared to act as cir-  
cumstances may seem to  
require. but I would have  
gladly yield my own judg-  
ment to yours & follow  
strictly any instruction  
you may be pleased to  
give whilst I remain  
in China which I will

now do if my health<sup>is</sup>  
does not entirely fail  
before until the fall. I  
must then leave for the  
United States, but I  
will allow myself only  
time to reach Washington  
to give an account of  
my stewardship & to sur-  
render up my Trust to the  
present Administration.  
The President my next  
duty will not  
be to oblige him in a man-  
ner to embroil him or to  
demand another appointment  
from him at the close of his

Administration.

The Incoming Administration will have ample  
time to appoint my successor & have him here  
to meet the exigencies  
of the coming summer (1861)  
I must beg you to pardon  
my extending this letter so  
much beyond the bounds  
of reason & thus severely  
taxing your time & patience  
but there is still one subject  
too important to be omitted.  
The condition of our Navy in  
China. The Flag Ship is the only

one on this coast we have  
every reason to believe  
that pending the Fumblers at  
the north there will be riots  
& perhaps serious Fumblers at  
the open Ports at some of them  
almost certain. The Chinese  
once aroused against the  
Foreigners will recognize  
no distinctions nor will  
they be softened by any recol-  
lections of former kindness.  
By whom or how are American  
Citizens and American  
interests to be protected?  
I have since my arrival in  
China known American  
women to fly from a fate  
worse than death, to English



Ships of war & their find  
that safety which their  
own Government did  
not furnish. These things  
are likely again to occur  
but will the English  
Ships be there to give them  
protection? With a full  
knowledge of our weakness  
in China we have been  
with a mixture of politeness  
& intolerance furnished with  
the Ports to which the English  
mailed or mailed not give  
protection during the ap-  
proaching summer. It may  
now be too late to send help  
from the United States but they

may be ordered from  
the Pacific Station, I  
most earnestly appeal  
to you that our condition  
may be so represented  
to the Secretary of the Navy  
that will induce him to  
increase the Squadron  
as soon without delay. As  
to the present condition of  
things neither the Liberator  
nor the military officers of our  
Government here can  
be answerable for what  
may occur. I write most  
earnestly upon this subject

because I am sure if our  
position here could be  
understood, we would  
not be permitted to remain  
in our present condition

I have the honor to be

my dear Sir

most respectfully  
Yours

John Edward

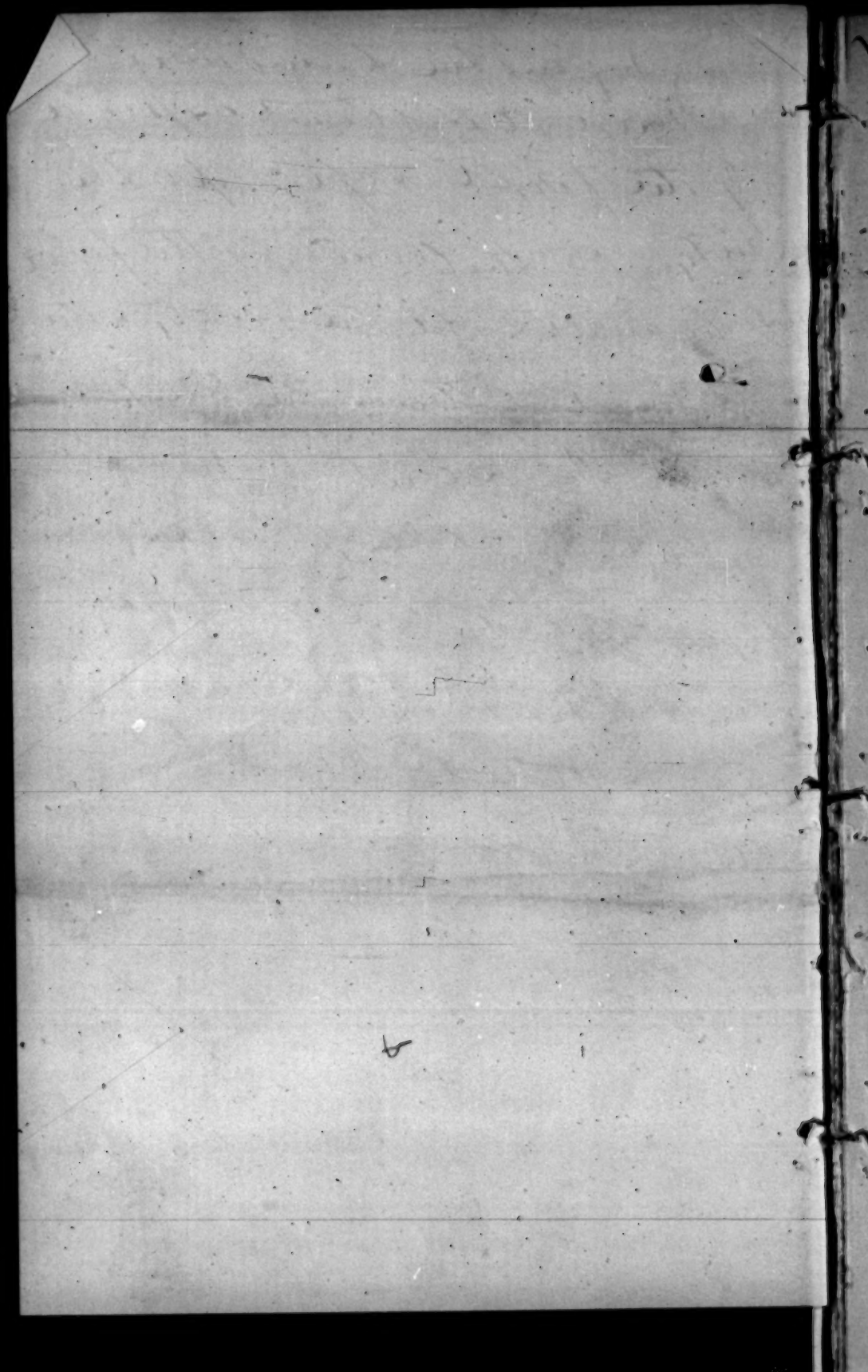
Hon Lewis Cass

Washington

The exchanged copy of the  
Treaty will send by the  
Millions who expect  
now in a very few days to  
leave for the United States.

My instructions were to  
send it without expense  
by the first safe opportu-  
nity. Or Welliver is the first  
& he will take the Treaty & the  
original letter of the Emperor  
to the President. but as the  
Treaty has been proclaimed  
& published we sent a copy  
but I trust the difficulty  
upon that subject has  
been removed





V  
Rein 31. May. Mr Gerrits

Macao, 16<sup>th</sup> February 1860.

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4668 (59)  
JH

Sir,

Among the claims presented to the Commissioners of Claims in the Chinese Government were those of the Compadores or treasurers and purveyors to three American firms, which were rejected on the ground that the claimants were Chinese subjects. Considerable sympathy has been expressed for these unsuccessful claimants by the American merchants, their employers, on account of the intimate business connection which subsists between them and the impression prevails that these Chinese ought in justice to be considered American citizens - in relation, at least, to their claims for losses incurred while in the service of American citizens. The Board of Claims could of course entertain no such view, and even declined to audit or certify to the amount of any claim disallowed on principle. Believing however that the claims above alluded to were correct in amount, as presented to the Board and knowing two out of



three of the claimants personally and regarding them as honest and deserving men I earnestly present their case to the Department as one suitable for the exercise of the Executive discretion and clemency. The claims of these Compradores amount to about ten thousand dollars, and there will be a surplus of about Two hundred and ten thousand dollars at the disposal of the United States Government after all the American claims on China are liquidated. Under these peculiar circumstances I think the payment of the claims of the above mentioned Compradores as a special act of well deserved clemency might be safely recommended before the surplus is paid back to the Chinese Government or otherwise disposed of. The great trust reposed in these Compradores by the American merchants and the degree in which the latter are dependent on them in troublous times for many things contributing to personal convenience and safety, while the Compradores are more or less compromised with their own Government

and countrymen by adherence to foreigners  
make up, in my opinion, a good ground for  
a claim on the consideration of the U. S.  
Government. Believing that a statement  
of the matter from a member of the Board of  
Claims would be of service to the petitioners  
on account of my knowledge of the matter,  
in which I have no interest, I respectfully  
suggest that the undermentioned claims  
<sup>out of the Chinese indemnity money</sup>  
be paid without interest, as soon as the  
claims of American citizens are entirely  
liquidated. This may take place two or  
three years hence, but a direction sent  
to the American Minister in China, while  
the matter is still fresh in mind, will be  
a great satisfaction to the petitioners. It  
is natural that the merchants who employ  
these compradores (who rank with intelligent  
& capable Chinese merchants) should feel an  
interest in their behalf, but I have, without  
solicitation, presented their case herein &  
beg leave to request for it your best consid-  
eration.

The claims as presented to the  
Board, are as follows,

Compradore of Augustine Heard No. 3,097.77



amount brought over	\$ 3,097.77
Comptroller of James Purdon & Co	1,961.00
do of Alvord & Co	5,566.00
	<u>\$ 10,624.77</u>

I have the honor to be,

Sir,

Very respectfully

Your obt servant

D. E. Roberts

Late for missioner of claims

The Hon Lewis Cass.

Secretary of State

Washington.







V  
Re S. May. McDermick

Hong Kong.

18<sup>th</sup> February 1860.

Sir,

I have the honor to hand you here -  
with my resignation as Secretary of the  
American Legation to China.

Deeply grateful to the President of  
the United States for the important trust  
confided to me, I beg to assure him that  
I have endeavored to the best of my ability,  
faithfully to discharge the duties connected  
therewith.

I have the honor to be

Sir,

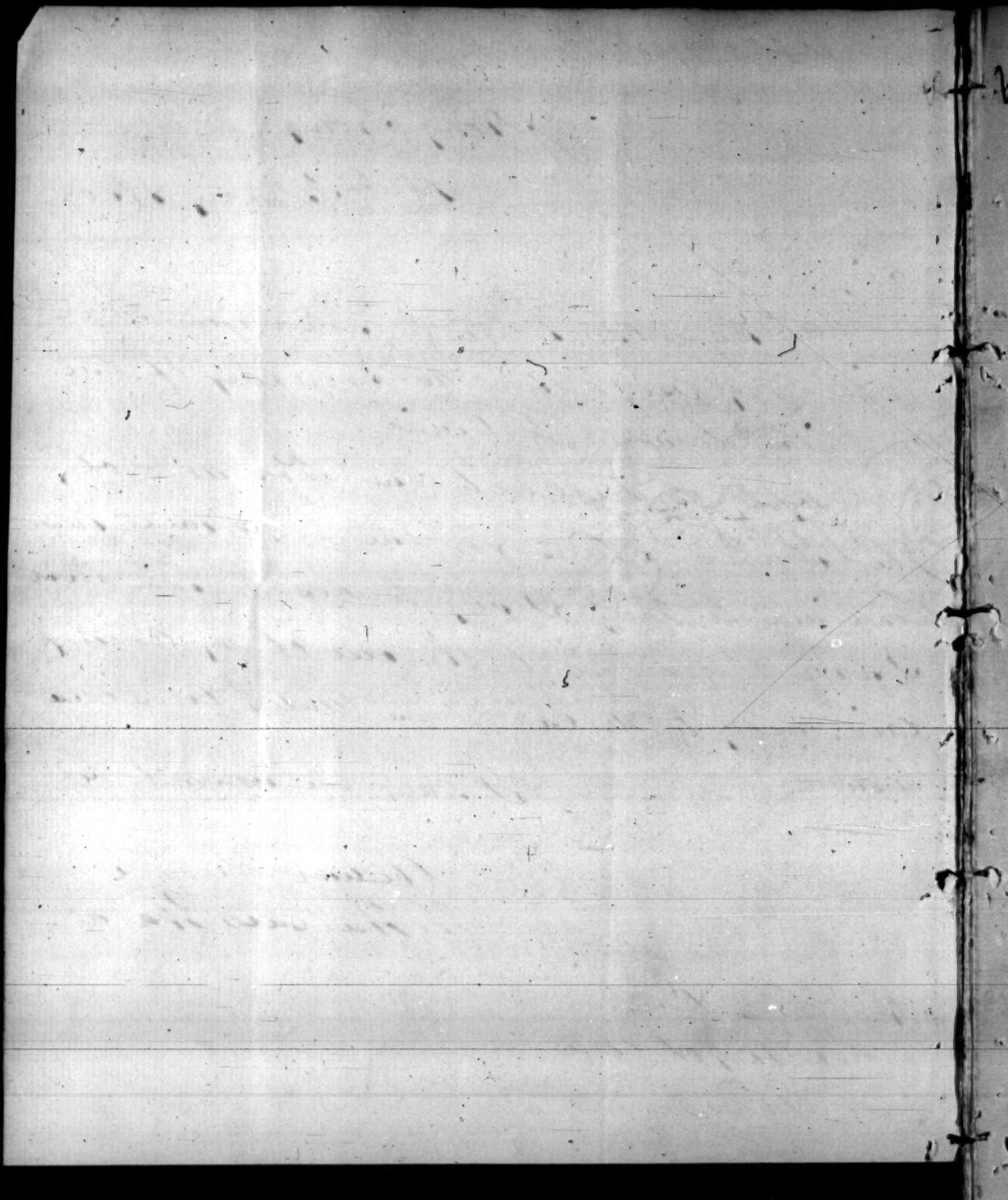
Your Obedient Servant  
W. Hallam Hall.

Hon. Lewis Cass.

Secretary of State.

Washington.





Rec 26. Apr. Mr. Olmsted

Official No. 3.

Legation of the United States

Macao, February 21, 1860

Sir,

I have already referred to the humiliating position in which I find our consuls in China in respect to carrying into effect their judicial decisions; and informed you that one of the first communications which I received on my arrival in the country was a claim preferred by the British Consul at Shanghai for the support of American seamen confined in the British Consular prison there, whose further imprisonment had been terminated the year before by the U. S. Consul for want of funds to retain them there any longer.

My predecessor forwarded you a strong petition which had been presented to him by the shipmasters at Shanghai, setting forth their own disabilities and grievances arising from the want of a prison, and accompanied it with the draft of an Act (Dis-

patch

To the Hon'ble Lewis Cass

Secretary of State

\* Dispatches Nos 1 & 2 of this year were inadvertently numbered 26 & 27, and please change their numbers.



patch 30, Sept. 1, 1858); but no action has since been taken upon the subject. Its importance, however, has not diminished, not the evils complained of vanished, because we have done nothing to effectually carry out treaty obligations over our own citizens, and supply our consuls with the means of enforcing their sentences; on the contrary, the knowledge that they have no adequate power rather emboldens the lawless to act out their wickedness.

Under date of April 23<sup>d</sup>. 1859, Mr. Williams issued a series of questions to the consuls upon this topic, designed to obtain from them suggestions as to the most feasible plan of providing prison accommodations, with estimates of the expense and contingencies connected therewith. I have thought that a condensed summary of the replies will be preferable to mere copies, placing them under their appropriate questions, and have now the honor to submit them to you. I do not think that any additional observations of my own can strengthen the representations here made, or more clearly illus.

illustrate the position in which we now stand after 15 years' experience of the working of the principle of extraterritoriality among this people. Some persons find a reason for the Chinese authorities persisting in their dislike to an extension of intercourse with foreign nations in the repetition of acts like these, scores of which the majority of foreigners never hear of; and to grievances like those described in Mr. Bruce's letter to Lord John Russell, a copy of which I inclose. I respectfully recommend both these documents to your attention.

It is not easy, perhaps, to suggest the best course, but there appear to me serious objections to the establishment of a single large prison, arising from the difficulty of transporting criminals thither, its expense not materially diminishing the necessary outlay for the other consular prisons, and the uncertainty of conveyances from them to it. I think that suitable prisons would be erected by the American merchants,

if



if the Government would assure them rental for a long lease. Mr. Hyatt offers to rent a proper building at \$200 per annum, if it be taken for ten years; and I was told at Shanghai that a lease of 20 years would induce the Americans to erect a prison there, so sensible are they of the want. A tax of \$10 levied on every American ship coming into a port would aid the funds needed for this purpose, and relieve the Government of the entire expense of prisons and marshals.

I need not enlarge on the topic, for every one of my predecessors has drawn attention to it; and the records of the Legation furnish melancholy instances of wrongdoing allowed to go unpunished in consequence of the inability of our consuls to execute justice.

I have the honor to be,

Sir,

Your Obedient Servant

John. L. Ward

Summary of replies obtained from the U. S. Consular officers in China respecting prisons, and the disposal made of prisoners at the open ports, furnished at the request of the U. S. Charge d'affaires ad interim to a series of interrogatories, dated April 23. 1859.

Ques. 1. What prisons have you hitherto used, what was their condition, and where do you now confine criminals?

At Canton, Amoy & Ningpo, the consuls have used the jail belonging to the British Consulate; otherwise they have put prisoners on board U. S. men of war if they were in port, confined them in their ships, or used rooms connected with the consulate. At Fuhchau, the consul has always imposed fines by way of punishment, because he had no suitable place for confining prisoners; and at Shanghai, criminals are given in custody of the Marshal, who confines them in his dwelling-house as the Consular Court directs. Two men placed in the British jail <sup>at Ningpo</sup> in 1856 broke loose and escaped. At Whampoa the Deputy Consul's chop (or floating-house) has been occasionally used as a prison.



Ques. 2. What number of persons have been brought before you for whom prison-room was wanted, and what disposal was made of them?

At Shanghai, 191 persons had been brought before the consul, (probably between August 1858 and July 1859,) of whom the seamen were restrained of liberty on board their ships; or if not belonging to a ship, placed in the custody of the Marshal. One man, a passenger, was put in custody of the captain of the ship. — At Ningpo the cases have been numerous, number not stated. The consul says, "My way of disposing of all who were charged with such crimes and misdemeanors, as would if convicted, oblige me to imprison them, has been to ask the British consul for jail accommodation contingently; if the request could not be granted, I have carefully inquired whether the party was able to pay a fine; if, as is almost always the case, he has no means for doing this, I refuse to entertain the complaint. I have no alternative."

At Fuchau, part of one ship's crew should have been imprisoned, but were fined because no place was available. — At Amoy nine cases were

were deserving imprisonment, of whom three were put in the British jail, five in rooms at the Consulate, and one on board his ship, the captain giving bonds for his safe keeping. Half a dozen others have been put in irons on board their ships. At Canton, one sailor was brought before the Consul convicted of manslaughter; another of assault & battery, and many seamen confined for various offenses, (probably in the ships they belonged to). It should be borne in mind that at Ningpo, Fuhchau and Canton, the consul's post is ten or twelve miles distant from most of the American ships.

Quest. 3. Can you give the total number of such persons since the establishment of the Consulate?

The consuls at Shanghai, Ningpo and Canton cannot give the total number; while Mr. Dunn at Fuhchau says, only part of one crew and a single sailor beside have required prison-room since 1852 or since the establishment of the Consulate; and the consul at Amoy finds no case on the records prior to 1854.

Quest. 4. Could a room be hired and fitted up in the yamen of Chinese officers, and placed under



under your control, in which prisoners could be securely detained, before or after trial?

At Shanghai, Canton, and Ningpo, it would be impossible to hire or fit up a room for a prison near the Chinese offices; and at all of the ports, such a prison would be inconvenient and unsafe, even if it could be obtained, and the consuls could not be answerable for the safe keeping or health of the prisoners.

Quest. 5. Could a room be obtained or built near or in any other office, or in a Chinese prison, or in one under foreign control, at your port?

At Shanghai, no room in a Chinese prison or in one under foreign control, could be obtained or built so as to be available at all times; and the same is true at all the other ports. It would be possible to build a room there under the Consul's control, and also at Amoy.

Quest. 6. Could a room be prepared at the Consulate, or in any other place or house, which could be permanently used for a prison under the Consul's control?

At Shanghai and Amoy, a room could be prepared near the Consulate which would be suitable for a prison, but not so at the other

other ports, owing chiefly that at the latter the shipping does not anchor near the Consulates. At Ningpo and Fuhchau, the consuls declare that no room could be used for a prison in their own houses, or in the houses near their residences; and at Canton, where the Consul lives afloat, and the houses of foreigners are contracted, it is likewise impracticable.

Quest. 7. What outlay would probably be required for each or either of the abovenamed places of confinement?

The consul at Shanghai says, "To build a suitable building to be used as a prison, I think, would require an outlay of \$2000 if of brick, or \$3000 if constructed of stone, at a ground rental of about \$100 annually. Such a prison might accommodate 30 or 40 persons securely."

At Ningpo, the consul estimates that a prison built of stone and large enough to accommodate ten persons, having five wards and a common court or ward for exercise, would probably cost from \$1200 to \$1500, besides the annual ground rent.

The rent of a building at Fuhchau to be



used for a prison would be about \$800, and the outlay to render it secure and suitable for such a purpose would be about \$600.

At Amoy, the rent of a building would be about \$200 annually; and the expense of building a prison large enough to confine six or eight prisoners in their cells, would be not less than \$1500. The land available at Amoy for such a purpose is much larger in extent than at Fuhchau.

The Consul at Canton gives no estimate, but I think the cost would not much exceed that at Shanghai.

Quest. 8. What is your opinion as to the feasibility and expense of a floating prison?

All of the consuls disfavor a floating prison, except at Fuhchau, regarding one so situated less healthy, less accessible, and far more expensive. The British authorities have had one at Whampoa, but intend to build a stone one on shore there, and give up the floating prison.

Quest. 9. What outlay would be annually required for jailers sufficient to guard the prisoners?

The

The consul at Shanghai estimates the average annual outlay for such a purpose at \$600 to \$800, rising to \$1000 if the prison was full during the year. At Ningpo, the consul reckons that a competent marshal at a salary of \$600 (minus his fees), a trustworthy Chinese jailer for \$120, and a turnkey for \$60, would be all the port requires.

At Fuchau, the consul states \$600 for a jailer, who should be a foreigner, \$600 for two Chinese constables, + \$300 for coolies to attend to the prison and the prisoners. At Amoy, the consuls reckon the total expense at \$200 annually, if the prison be made secure, for then Chinese jailors would answer; if a foreign jailor is employed, twice the amount would at least be required. At Canton, the consul says, "the U. S. Marshal, with two Chinese assistants, each at \$10 per month, would be sufficient"

Quest. 10. Could Chinese jailors be trusted in charge of such prisons, if daily or often inspected?

The consuls at Canton and Amoy are inclined to commit the oversight of their prisons to native jailors, but not at the other three ports, at which it would be necessary to have foreign marshals



marshals, or a foreigner living at the prison. None of the English prisons at the ports are confided to natives alone.

Quest. 11. Please give an estimate of the cheapest mode of lodging prisoners compatible with their health and safety.

The expense at Shanghai for daily rations would be 30 cents, at the other ports not over 25 cents. The furniture of a prison need not exceed \$50, but it would need frequent renewal, and the assortment would depend on the number of prisoners. Medical expenses would increase the charges.

Quest. 12. Would you locate the prison at the city where the consul resides, or at the Anchorage, as Whampoa or Pagoda I.?

The consuls at Canton and Fuhchau recommend Whampoa and Pagoda I. as the best places respectively for prisons at those ports.

Quest. 13. If the U. S. Government should erect one large prison in China, where would you recommend it to be built?

The consuls at Shanghai, Fuhchau and Amoy, each recommend their own port, but  
the

the other two mention Shanghai. The consul at Ningpo very reasonably remarks on this point, "Cases frequently arise at each port requiring only short terms of confinement; and there are often no means of communicating between any two given ports for ten days or two weeks together, a delay that creates a necessity for a stronghold on the spot. Moreover, the expense of sending the marshal with prisoners to a distant port, (as from Canton to Shanghai) would probably be more than for the keeping up prisons at each port."

The consul at Canton hints at the liability of prisoners en route from Whampoa being liberated by a writ of habeas corpus at Hongkong or Macao; and suggests a small prison at Whampoa to detain them.

A point comes up in relation to the feasibility of one prison for lodging criminals, which none of the consuls have referred to, which is, to whom would the jurisdiction of these prisoners belong?

Quest. 14. How could prisoners be sent to it from your Consulate most cheaply and securely?



The cost of passage from Ningpo to Shanghai, including that of the marshal who accompanies the prisoner, is estimated by Dr. Bradley at \$35 to \$40. From Fuhchow to the same port, will be \$50 to \$60 per man, not including the passage of a marshal.

The consul at Amoy would send his prisoners up or down the coast in the steamers, while the consul at Canton thinks they would be safe only in a man of war. Neither give an estimate of the cost.

Quest. 15. Would its existence obviate the necessity of a prison at your port?

On this point all the consuls agree; for either no vessel would be ready to send the prisoner away in, or the punishment would be a temporary confinement, or he must be confined before trial as soon as arrested. A single large prison would not obviate the necessity of some stronghold at each port.

Quest. 16. Do you know any instances where the ends of justice have been defeated by the want of a prison?

All of the consuls, except at Fuhchow, report cases affirmative of this inquiry, and

Dr.

Dr. Bradley reports the case of a desperate man at Ningpo, who had been convicted before his court of highway robbery, and with intent to kill an officer of marines of H. B. M. S. "Cormorant," and was sentenced to imprisonment for twelve months. The British jail being filled with prisoners, the man, named C. Jackson, was placed on board the "Cormorant" for ten days, with the consent of her commander, when the first opportunity occurred for sending him to Shanghai. He was forwarded to that port in charge of a marshal, with a request that the U. S. Consul there would provide prison quarters for him at the British Consular jail, or on board the U. S. S. "Mississippi." An application for room in the jail was denied, on the ground that Jackson had already been imprisoned there for a year by the U. S. Consul at Ningpo, on a conviction of an attempt to murder, and that his violent and refractory conduct made it dangerous to receive him again. Capt. Nicholson was next solicited to take him, but he refused "to make his vessel a prison-ship." The Consul then put Jackson into the hands of his marshal, with orders to keep him as safe as he



he could; who, thereupon, took him to his dwelling-house. During his necessary absence on public duties, no one remained to oversee the prisoner, who in less than a week contrived to escape. He was afterwards taken by a British cruiser at a town on the Yangtze-kiang, where he was engaged in protecting the salt smugglers; but on being sent to the Consul at Shanghai he was discharged, because, if convicted no place could be found for his imprisonment. He then entered into what is called the convoy business, really another name for piracy, and went about levying black mail on native fishermen and traders, and committing other atrocities at sea and on shore. It is supposed that he is still engaged in this way, tho' there was a rumor of his having been killed by the people of a village in Kiangsu where he attempted to seize the principal authority of the place and hold him for a ransom of 600 taels.

Dr. Bradley mentions two prisoners who broke jail at Ningpo in 1856, & escaped. Mr. Perry refers to a criminal sentenced at Canton for 3 years for manslaughter, who escaped

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ped from the U. S. S. "Levant" in a few months after he was sentenced; and "even if he had not escaped," Mr Perry adds, "I do not know where I could have confined him after the Levant was ordered to sea." He alludes to another case of a man sentenced to a year's confinement at Whampoa, who, however, was under no restraint, but was so well treated and lived so easily that he remained till the end of his term.

The consul at Amoy remarks that he has sometimes been obliged to pass over slight offenses for want of a prison in which to secure ~~convicts~~ persons who might be arrested for disorderly conduct or the like offenses; but no prisoners have escaped.

Quest. 17. Have accusations been waived or overlooked for want of jails in which to confine accused persons?

The preceding paragraph shows that this has been sometimes done at Amoy; and the consul at Ningpo declares that "accusations have been repeatedly, and must continue to be waived or overlooked, for want of jails in which



which to confine accused persons." None of the other consuls, however, report any cases; and it is not probable that they would often occur.

Quest. 18. Have you ever been notified that American criminals could no longer be kept in prisons under the control of other foreign consuls?

The consul at Canton has several times confined prisoners on board the floating residence of one of the American merchants, but the owner has just informed him "that his chop (as these buildings are here termed) shall not again be used for any purposes common to prisons."

The consul at Amoy says, "I was lately notified by the British consul that he required the room which occupied by two prisoners whom I had committed to the prison attached to his Consulate; and as they had but a few days longer to remain to complete the time for which they were sentenced, I discharged them, having no other place in which to confine them."

At Ningpo, the consul has been <sup>often</sup> informed that his applications for jail-room in the British

ish



ish prison must be refused on account of the limited space in it - a notice which was always given courteously.

The present consul at Shanghai has not been notified to remove American prisoners from other consular prisons, but his predecessors have been. He has sent none to the British prison.

Quest. 19. From what funds have you maintained such criminals as have been committed to those prisons?

At Whampoa the support of prisoners was defrayed by the Marshal or Consular Agent; at Ningpo, by the consul, who says that very few of the persons convicted were able to pay even the smallest fine; and no funds were in hand from mulcts. At Amoy and Shanghai, the fines collected at the consulates have furnished funds, but in one case at the former, the expenses of four or five seamen sentenced for mutiny were defrayed by the captain of the ship.

Quest. 20. Whom have you employed in making arrests, and what has been their costs?

At Whampoa the Marshal has generally  
acted

acted voluntarily and without costs, from patriotic motives to assist in preserving order. At Amoy, Fuhchau and Shanghai, the Marshal receives the fees prescribed in Commissioner Davis's Table. In a late case, at Amoy, where three seamen were arrested on a charge for murder, a file of marines were sent from a British man-of-war at my request to aid in bringing them to the Consulate, but no charge was made and no compensation accepted, tho' it was tendered to the officer in command.

At Ningpo, the consul is obliged to employ a temporary marshal to make arrests, such persons as are at the moment available, an American, a German, an Irishman, or whoever else is near. They are paid the prescribed fees, and "I have almost always the privilege," says the consul, "of paying them out of such of my private funds as are not otherwise appropriated."

Quest. 21. Have the Chinese authorities aided you in arresting Americans, and could their assistance be usually relied on?

No formal demand has ever been made on the Chinese authorities to aid in arresting an American, and doubts are entertained of their ability



ability and courage, as well as willingness, to do so, especially in an emergency, unless their subjects were peculiarly interested or endangered. At Shanghai, the Intendant of Circuit, at the consul's request, issued a proclamation warning natives not to decoy seamen, or harbor deserters from the ships—a solitary instance of interference. Many seamen have been killed at Whampoa in a course of years by the natives there, some of whom were probably justly punished, but the Chinese rulers either would not, or could not, examine into the cases.

In concluding his replies, the consul at Shanghai adds, "A large portion of the persons brought before me come from vessels in port for disobedience. If I was in a civilized country, or if I had a jail under my control, or if the native jails had any security against escapes, and civilized humanity could exist in them, I presume I should often imprison the offenders where now the only alternative is to remand them, with instructions to the master to iron and confine on shipboard. But in cases far more serious,

"con-



"convictions for criminal offenses, it is necessary  
"that there should be at least one place of  
"confinement in China where the condemned  
"could be compelled to serve a term of years,  
"at hard labor, the same as in the United  
"States. In no other way, in my opinion, can  
"life and property be safe, and public order  
"maintained."

Mr. Hyatt at Amoy closes his dispatch by  
urging in the strongest terms, the necessity  
"of some arrangements being promptly made  
"to give facilities for securing prisoners  
"that we find it necessary to commit. I  
"have one now in the British consular pri-  
"son recently sentenced for three years, and  
"I am liable, at any moment to receive no-  
"tice from the Consul, that the prison room  
"is wanted. In that event, what am I to do?  
"I have no other place available for the  
"purpose."

Dr. Bradley urges the importance of the  
subject in these words: "The subject matter  
"of this dispatch is one of grave importance.  
"The United States by its treaties with China  
"has reserved to its consular officers the  
"sole

"sole right of trying and punishing American  
"citizens for crimes committed by them within  
"their respective jurisdictions, is bound by  
"every principle of honor and good faith  
"to provide means for arresting the accused  
"and carrying out their sentences. As it is,  
"American vagabonds have a large license  
"everywhere in China, and at Ningpo, where  
"there is neither marshal or jail (and either  
"is useless without the other) felonious  
"acts are daily committed with impunity  
"in open defiance of the authorities of both  
"governments. Our ex-territoriality now  
"operates as a shield between the felon and  
"the laws of China, and as she cannot, and  
"the United States does not, punish these  
"wrongdoers, the consequence is abounding  
"and unrebutted crime. It is a matter of  
"observation and complaint among the local  
"magistrates. Their unoffending people are  
"assaulted and robbed, their houses are demo-  
"lished, and their women violated by Amer-  
"ican runaway seamen and other outcasts  
"from our country. Then comes a suppliant  
"native with a catalogue of wrongs suffered,  
"and



"and an earnest petition for redress. He goes  
"home without it, but with bitter thoughts toward  
"a people who suffer such things to go unpun-  
"ished. I receive, too, a communication from  
"the Intendant, appealing to our treaty stipu-  
"lations; and I am obliged to reply that I  
"deeply regret that any cause of complaint  
"should exist, but that my government  
"has provided no remedy."



Disp. 3. Incl. 2  
Feb. 21. 1860

Copy

Shanghai

3<sup>d</sup> November 1859.

My Lord,

I have the honor to call your Lordship's serious attention to the conveying trade carried on by H. M. Subjects on the coast of China, to the abuses inevitably attaching to it, to its bad effects on our reputation in the eyes of the Chinese, and to the want of sufficient authority in H. M.'s servants in China, to repress the excesses complained of.

The documents enclosed in this despatch bearing upon this subject are;— A despatch of Mr. Villiers Sinclair of the 20<sup>th</sup> January 1859 to the Earl of Elgin, containing general remarks on the convoy trade.

A despatch from the same officer to Sir John Bowring requesting instruction as to the mode of dealing with Kungpo built luggers, owned by British subjects sailing without

The Lord John Russell

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out papers or flag, most of which  
are engaged in the above Trade.

A despatch also from Mr. Vice Consul Linclaire  
with four accompanying enclosures,  
detailing the information obtained  
of the proceedings of a conveying  
Company under the title of Austin  
& Co. which resulted in the prosecution  
and condemnation of Austin and  
the dissolution of the Company.

This despatch contains ample  
proof of the abuses that are inse-  
parable from the system.

A despatch from Consul Medhurst  
on the similar employment of  
Lorchas &c at Foo-chow, detailing  
the nature of the agreement entered  
into between the owners and British  
sailing masters of these craft, one  
of the ordinary clauses of which  
empowers them to attack any native  
fleet or villages that may be pointed  
out as piratical, or which they may  
consider as such. Finally, a letter  
from Mr. Vice Consul Linclaire of Sept. 28.

1859.



1859. describing the state of Chinkai  
as the head quarters of the convayers  
and stating that the District Magistrate  
in calling on him to restore order  
by removing <sup>them, stigmatising conveying</sup> as a pretext for molesting <sup>trade and annoying</sup>  
the inhabitants Mr. Sinclair asks  
for authority to compel these men  
to transfer themselves to Ningpo,  
where they would be subject to  
immediate Consular control.

As, however, Chinkai is within  
the limits of the port I have been  
obliged to inform him that I  
can give him no power beyond  
that which he can exercise under  
the order in Council and general  
Regulations of Trade - but I  
have pointed out that carrying  
unusual arms to the terror  
of the inhabitants is an offence  
by the Law of England, and may  
be punished by imprisonment  
and confiscation of the arms.

The leading facts connected with  
the growth and progress of the convey  
trade are disputed by no one and  
are



are detailed in the different inclosures to this despatch.

For some years past the pirates, well armed and courageously commanded, have so completely overawed the Imperial war-junks, that the latter have ceased to face them or even to put to sea. The fishermen in the neighbourhood of Ningpo then applied to foreigners for assistance, and hired Portuguese lorchas to defend them against the native pirates. The large profits realised in this trade speedily brought competitors into the field, and the mutual animosity of the Cantoneses and of the Portuguese, whether arising from rival convoying operations, or attacks committed by the latter on Cantonesse vessels, ended in the bloody affray and massacre of the Portuguese at Ningpo in the year 1857. About the same time a Maltese, called Merlini whose vessel formed part of

of the Portuguese convoying fleet,  
was tried at Hongkong, and it was  
proved, that these lorchas were in the  
habit of attacking both trading and  
Imperial junks, of massacring men  
belonging to them, and of committing  
assaults on villages attended with every  
species of outrage and extortion on  
the defenceless inhabitants. Since  
the severe blow inflicted on that  
occasion the Portuguese lorchas  
have abandoned the northern fisheries  
and confine themselves to convoying  
traders along the coast. The protection  
of the fisheries fell into the hands of  
a French Company headed by a Comte  
de Salaberry and of the English Company  
of Austin & Co. There is no proof that  
their operations were characterised by  
the same amount of violence and  
barbarity as those of the Portuguese,  
but the information obtained, when  
Austin's proceedings were under investigation,  
leaves no doubt in my mind, that  
extortion was habitually practised both  
on



trading junks and on  
on the islands where these men had  
formed establishments. Austin's  
Company was broken up after the  
trial, and the French authorities,  
convinced of the viciousness of the  
system, withdrew the license  
from M. de Salaberry whose com-  
pany has in consequence ceased to  
exist.

Mr. Lloyd will however see that in  
spite of the decision of the Consular  
Court at King's a certain Mr.  
Schaffield an Englishman is hiring  
vessels for the purpose of <sup>the conveying</sup> carrying on  
trade under the British flag.

A Mr. Davidson of King's, who  
there is reason to believe was  
connected with Austin's enterprise,  
has also called on me to request sail-  
ing letters for his vessels to be employed  
in conveying along the coast. I refused  
his application, and I have further  
intimated to the Consuls at the  
different ports, that I consider the  
power to grant sailing letters to  
be



be vested in the Superintendency of Trade for the protection of peaceful and legitimate traders only, and that until ~~your Lordship's~~ decision be communicated, I will withhold them from vessels employed in a service disapproved of by the Chinese authorities, whose proceedings cannot be controlled, and whose irregularities are creating a feeling of hostility against us along the whole sea board of China.

As the terms of Viscount Palmerston's despatch No. 96 the 31<sup>st</sup> October 1848 seem to have been construed into a general approval of the system as at present pursued, I have pointed out to Mr V. C. Sinclair that even at that time, when experience had not developed the evils of the system, His Lordship confined his sanction to conveying when conducted by vessels properly manned and equipped, and provided with sufficient authority from the Chinese officers.

officers, to legalise their acts.

Neither of these conditions have ever been fulfilled. The foreign sailing master is generally a seaman of an ordinary class allured by the prospects of indefinite gain and of a roving life, with a crew of half castes and Chinese. the latter little if at all better than the pirates they profess to attack. and in whose hands the master is a blind tool. and I cannot find out that

the Chinese Authorities have shewn the least disposition to encourage this method of protecting the natives. ✓

They remain entirely passive, not identifying themselves in any way with it, and reserving the right of remonstrating against the abuses to which the service inevitably gives rise.

This attitude they will preserve until they are forced by the clamor of the people to take some steps for their protection, as it enables them to put in their pockets the money annually allowed for the maintenance and repair



repair of the war-junks now lying useless  
and rotting on the banks of their rivers.

If the Chinese Authorities choose  
to employ these lorchas as cruisers for  
the protection of their people, I should  
not feel justified in interfering, and  
one great object would be attained in  
freeing the British Flag from the odium  
attaching to their proceedings. But I  
directed Mr. Sinclair not to support the  
application. Mr. Davidson said he should  
make for a license to the Intendant  
of Ningpo, as I believe that while  
convoying is conducted by the class  
of men now employed, it will be  
found impossible to prevent abuses,  
and I give them credit for too enlightened  
a view of their own interests, to expect  
them to put down piracy and robbery  
bonafide, and thereby render their  
services unnecessary. A small steamer  
would be a much more effectual  
and a less expensive way of protecting  
the fisheries, and as she would be  
well known, the proceedings of her  
crew



crew would be easily watched.

It is more difficult to deal with piracy along the coast. H. M. ships have rendered great service from time to time by destroying the large fleets which gather under the banner of leaders of renown.

But it never can be stopped without the hearty co-operation of the authorities on the mainland, and I think that the establishment of the new custom House system at the different Ports with revenue cruisers at their command, offers the best hope of gradually inducing the Mandarins to enter on some comprehensive scheme of joint action. In the mean time I may remark that these pirates or sea robbers only attack junks, and Chinese shippers are thereby induced to send their goods by foreign ships in preference to their natives craft.

Your Lordship will remark in Mr. O. Consul Sinclair's dispatches that the convoying trade, besides  
the

the piratical acts it gives rise to on the coast, renders the maintenance of tranquillity and harmony more difficult by the inducements it holds out to seamen to desert, and by collecting together, as at Chinhae, a number of bad characters, who, while on shore or awaiting employment in lorchas, terrify the inhabitants by their violence, and seek a livelihood by hiring out their courage to assist the Chinese in extorting money from each other. As long as the Convey Trade is legal, it is difficult to prevent the formation of these Colonies of men, whose drunken and disorderly habits and readiness to abuse in a spirit of insolence, their physical superiority, render them objects of aversion and fear to the respectable natives, and justify by their coarse and brutal demeanour the epithet of "barbarian" applied to us in this country. But if it were made penal for British Subjects to engage in this trade, the motive for desertion would be taken away



away, and if at the same time power were given to H. M. Consuls to seize as vagrants and send back to their own country men who have no visible means of subsistence, and who are unable to find security for their good behaviour, H. M. Govt. would take the most effectual of all measures for the preservation of order and tranquility, and for the fulfilment of the obligations we have contracted in consideration of the exclusive jurisdiction conceded to us by Treaty.

I am aware that such a proposal is at first sight novel and seems to confer a somewhat arbitrary power on H. M. Agents in this country. But it is to be considered that there is no legitimate employment for this class of men at the ports, and that it is no hardship on them to rescue them from a position which must land them sooner or later in distress or crime.

We are moreover in this  
dilemma



dilemma, either some such law  
must be lodged in the hands of the  
Consuls, or we shall fail in checking  
crime, and we shall certainly alienate  
from us the good-will of the Chinese  
population. For one conclusion is  
clearly established by our experience  
in China, namely that our judicial  
system, however impartially  
and severely administered, is insufficient  
for the prevention of crime. It fails  
because the Chinese will not come  
forward to give evidence against  
wrong-doers, and without evidence  
our Tribunals cannot convict. Even  
in this settlement, where the British  
consulate is always open to complaints,  
and is certainly not slow to do justice,  
the Chinese submit without remons-  
trance to constant outrage and ill-  
treatment. Owing to a regrettable  
laxness which prevailed some time  
since in discharging seamen, a  
considerable number of them had  
collected here without means of sub-  
sistence,

sistence, and I learn from a source of unquestionable authority, that they were <sup>in the</sup> habit of going to the smaller shops and forcing the owners to give them food without payment. No complaint was made, but the sense of injury has not the less rankled in the minds of the Chinese for this and other acts of violence, and among the placards issued during the late excitement, the oppressive and over-bearing conduct of seamen is alleged in justification of the edicts which it is remarkable was primarily directed against all who appeared in the garb of sailors. Whether it be due to constitutional timidity, and and the terror inspired by foreigners, to a dread of being mixed up with judicial proceedings, or to the spirit of long suffering produced in a nation corruptly but pacifically governed, an individual Chinaman heretofore long before appearing single-handed as a complainant against a foreigner. He requires to be encouraged by the aid



aid and sympathy of the Chinese masses, and the cry is then raised not for justice in a particular case, but for vengeance on the "foreign devils," and is taken up and repeated by the many who are smarting under the sense of insults and outrages, which they have suffered in silence. The greatest offenders in this way are the class over whom I wish to see the power of removal given.

If this be the case at Shanghai (and I can assure Your Lordship that I am fully borne out by facts) where justice is to be had on the spot, and where the people have some knowledge of the principle on which we administer it, what probability is there of inducing the inhabitants against of remote villages or the crews of junks to come forward with complaints against these bands of formidable adventures, who support each other in defying control, and would not be slow in wreaking vengeance subsequently on any one who dared to come forward as a complainant? and  
what



what effectual measures under such circumstances can any British authority take to bring them to justice for the abuses which will certainly follow on irresponsible power being placed in their hands.

I believe therefore that justice to the Chinese and not less a regard for our own interests and reputation require that the principle of our legislation for H. M. Subjects in this country should be preventive, rather than remedial—and one of the most efficacious and indispensable means of maintaining order and peace will be found in the power to remove stragglers from the ports and coast, without waiting as the Consuls are forced at present to do, until some act be proved, which brings them within the reach of the law.

Great Britain will thus free herself of responsibility, and though this measure will not be complete unless other nations follow in her path, I am not without hopes that her example will be imitated at all events by the other Treaty Powers.

I have &c.

(Signed) F. W. A. Bruce







Re. 28. Op. — McDermick

Official N<sup>o</sup> 4 — Legation of the United States.

Macao, February 24<sup>th</sup> 1860.

Sir,

I have the honor to inform you that by the first Boat from Macao to Canton after the Physician had ceased his daily attendance upon me, I left for the last named place to extricate the three American vessels from their difficulties as reported in my last despatch.

On my arrival in Canton I received from the Governor General a communication a copy of which I herewith send — Inclosure 1<sup>a</sup> —

The day after its receipt I had a personal interview with him in the City of Canton the particulars of which as taken down by D. Williams I herewith send inclosure 2<sup>a</sup> —

The mixed Government of Canton rendered all negotiations upon this subject

Hon. Lewis Cass

Secretary of State.

both difficult and delicate. - The horrors of this Coolie Traffic as conducted at Whampoa cannot within the limits of a despatch be properly described.

The usual mode of operating seems to be to charter at once three or four vessels and send them to Whampoa having first arranged the order in which they are to leave for Canton -

When a Chinaman has been kidnapped or stolen, he is taken to the first vessel and asked if he wishes to emigrate - Should he answer in the negative the Captain with great apparent honesty declares he cannot receive him - his captors then leave the ship with him and he is held in the water or tied up by the thumbs or cold water is trickled down his back or some other torture inflicted until he consents to go, when he is taken to the next ship and the same question repeated "are you willing to emigrate" - If his reluctance to become an exile is still unsubdued he is again returned to his captors and this process repeated until



a consent is wrong from him when he  
is received as one of the "Willing Emigrants".  
When the Consul visits the Ships to  
examine into their condition they are  
questioned under the painful recollection  
of what they had already suffered. and  
what they must still endure if a  
ready assent to Emigrate is not given.  
I herewith enclose the copy of a letter  
from the Rev<sup>d</sup> W<sup>m</sup> Preston one of the  
most estimable American Missionaries  
at Canton - Enclosure 3<sup>a</sup> -

It is a matter of great Satisfaction  
to me to report to you that no American  
Merchant will be engaged in this trade  
or even in negotiating for a charter  
under which it is to be conducted, but  
on the contrary when the Captain of a  
vessel consigned to any one of them  
desires to obtain a Cochin Charter, his  
accounts are at once closed and he is  
turned away - Unfortunately Ready  
Agents are found among the English  
and other Merchants of Hongkong -  
Mr Consul Perry has used every exertion  
to prevent this disgrace from resting upon



our Flag and deserves much credit  
for his untiring labors but with no  
Law to sustain him, he has been able  
to do but little.

The grievance has at length become  
intolerable to the People and the Governor  
General has been aroused to action by  
their constant appeals to him in behalf  
of a Kidnapped Father, husband or son  
detained on board "a Foreign Ship".

At Canton rewards have been again  
offered for the head of Foreigners. It  
was under these circumstances that  
Mandarin were sent with Mr Perry  
to examine the Coxies on board the  
"Chesenger" about the 1<sup>st</sup> of January  
last.

The conduct of Capt. Manton  
I have already represented to you.  
I could not shrink from the duty  
which seemed to rest upon me of  
sustaining the orders of our own  
Council and of the Governor General  
both of whom had been openly defied  
by the removal of the Coxies after an  
arrangement had been made by

M<sup>r</sup>

Mr Perry to have them taken up to Canton for examination, under the frivolous pretext that he had no control over them, yet in doing this I was unwilling to place them under the jurisdiction of the Allied Commissioners who now hold possession of Canton. Immediately on my arrival at that place I had an interview with Mr Parkes, one of the Allied Commissioners, and said to him that I could not permit the Coasters on board the American Ships to be brought up to Canton for examination if any jurisdiction over them whatever would be claimed by the Allied Commanders or Commissioners. That if they were brought up it must be with the distinct understanding that they were to be examined only by the American and Chinese officials without the slightest interference on the part of the Allied Powers. After a Consultation with his Colleagues and the Allied Commanders this consent was given.



and I then addressed a letter to the  
Governor General a copy of which I  
herewith inclose 4<sup>a</sup> and his reply  
5<sup>a</sup> -

→ Pending these negotiations Capt<sup>n</sup>  
Manton informed me that his  
ship had in compliance with my  
orders been brought back to her  
original moorings and that the  
Cooks were now subject to the  
order of the Chinese authorities -  
I herewith send you copies of his  
communications and my reply -  
Inclosures 6<sup>a</sup> - 7<sup>a</sup> & 8<sup>a</sup> -

Immediately after the receipt  
of my reply Capt<sup>n</sup> Manton called  
and requested me to see that the  
examination was properly conducted -  
I told him he must make that  
request in writing and that Mr Vargas  
the owner of the Cooks must make  
the same request of Mr Perry or the  
American authorities would take  
no further interest in the examina-  
tion, I send you a copy of these  
letters - Inclosures 9<sup>a</sup> 10<sup>a</sup> & 11<sup>a</sup> -

About two hundred & fifteen  
were brought up on Sunday the 5<sup>th</sup>  
of February by M<sup>r</sup>. Vargas in a  
steamer chartered by himself the  
remaining number were brought up  
the next day by the Chinese author-  
ities in a steamer chartered by them.

That there might be no undue  
influence exercised by the Chinese  
to induce the Coolies to leave the  
ship, I required all those brought  
up Sunday evening to remain on  
board the steamer all night under  
the control of Vargas & his agents  
and to be landed Monday Morning  
in squads of fifty and requested  
Dr. Williams to attend the exam-  
ination and see that it was properly  
conducted. I herewith send you a  
copy of his report - Enclosure 12<sup>a</sup> -

After the Coolies had all been  
discharged under this examination  
Captain Marston received his papers  
and came to this place where Vargas  
keeps his principal barracoms -

These being under the Portuguese



Jurisdiction the Chinese Govern-  
ment can of course exercise no  
control over them, and having no  
authority under the Act of Congress  
to prevent the running of coolies on  
board the American ships, 3 or 400  
were here taken by Capt<sup>n</sup> Stanton  
on board the "Messenger" which  
will sail this morning for Cuba.  
A Communication which I have  
just received from Dr Williams,  
a copy of which I herewith send.  
Inclosure 1<sup>st</sup> will illustrate the  
manner in which this cargo has  
been collected. The Governor  
General of Malacca, who is both a  
man of ability & humanity,  
has assured me that this Coolie  
Traffic in Malacca shall hereafter  
be placed under very different  
regulations. The letter from  
Mr. St. John, a copy of which I here  
with transmit, Inclosure 2<sup>nd</sup>  
may throw some light upon the  
character of the men engaged in  
this Traffic.

Until I receive other instructions  
from you, every American ship will  
be required strictly to conform to  
all Rules & Regulations made by  
the Chinese authorities at all the  
open Ports in China.

I herewith send you a copy  
of a Communication from the  
Governor General inclosing me  
certain Rules & Regulations for  
the proper shipping of Coolies with  
my reply. Inclosures 3<sup>d</sup> - 4<sup>th</sup>.

These Rules are imperatively  
demanded by the condition of things  
now in China. - Since October last  
more than one thousand lives  
have been sacrificed by this Trade -  
In the "Flora Temple" eight  
hundred & fifty were shipped  
under a Captain who seems, from  
all accounts, to have been much  
superior in all the elements of a  
man to his competitors in that  
Traffic - In a few days after they  
were at sea they rose and attempted  
to take the ship and were subdued.



only after many of them had been  
shot. — The ship was soon after  
lost and they all perished.  
The Brother of the Captain from  
whom Commodore Stirling &  
I received the account, told us  
that if his Brother had known  
the circumstances under which  
most of them were shipped and  
as they were made to appear  
from the examination of the  
officers, he would never have  
permitted his vessel to be engaged  
in the business. —

The "Norway", another American  
ship, subsequently left with over  
one thousand, I have just received  
intelligence of the mutiny on board,  
to suppress which more than eighty  
were shot. — At Swatow the  
newly opened port a vessel is now  
boarding and thirty in their effort  
to escape, a few nights since, were  
drowned. —

It was this Traffic as conducted  
by the French which last summer

so much aroused the Shanghai  
People among the most peaceful  
inhabitants of China as to seriously  
endanger the lives of all foreigners  
at that Port - French vessels are  
now forbidden to take any Coolies  
except according to the Regulations  
of the Port of Canton at that place.

During the month of January  
about twenty Chinese were executed  
in Canton charged with Stealing &  
Kidnapping Coolies for the American  
Ships lying at Whampoa. — *Ynd*

Having received no reply to  
my application to be permitted  
to leave China, I now most respect-  
-fully but most earnestly request  
that leave of absence may be granted  
me for six months from the time  
I may leave China - that time to be  
when, in my judgment, the public  
interests will not suffer by my  
absence -

I will not leave whilst there is  
the smallest probability of this -  
certainly not during the present



Administration, unless compelled by sickness. —

Mr. Wallace Ward having  
resigned his office as Secretary  
of Legation, and D. Williams  
being about to leave for the United  
States, should I avail myself  
of this permission before his  
return, I will place the Legation  
under the control of Commodore  
Stirling upon whose ability &  
discretion I need not say the  
most implicit reliance may be  
placed. Despatches Nos 9 & 10 have been received. —

I have the honor to be,

Sir,

Your obedient servant

John E. Ward

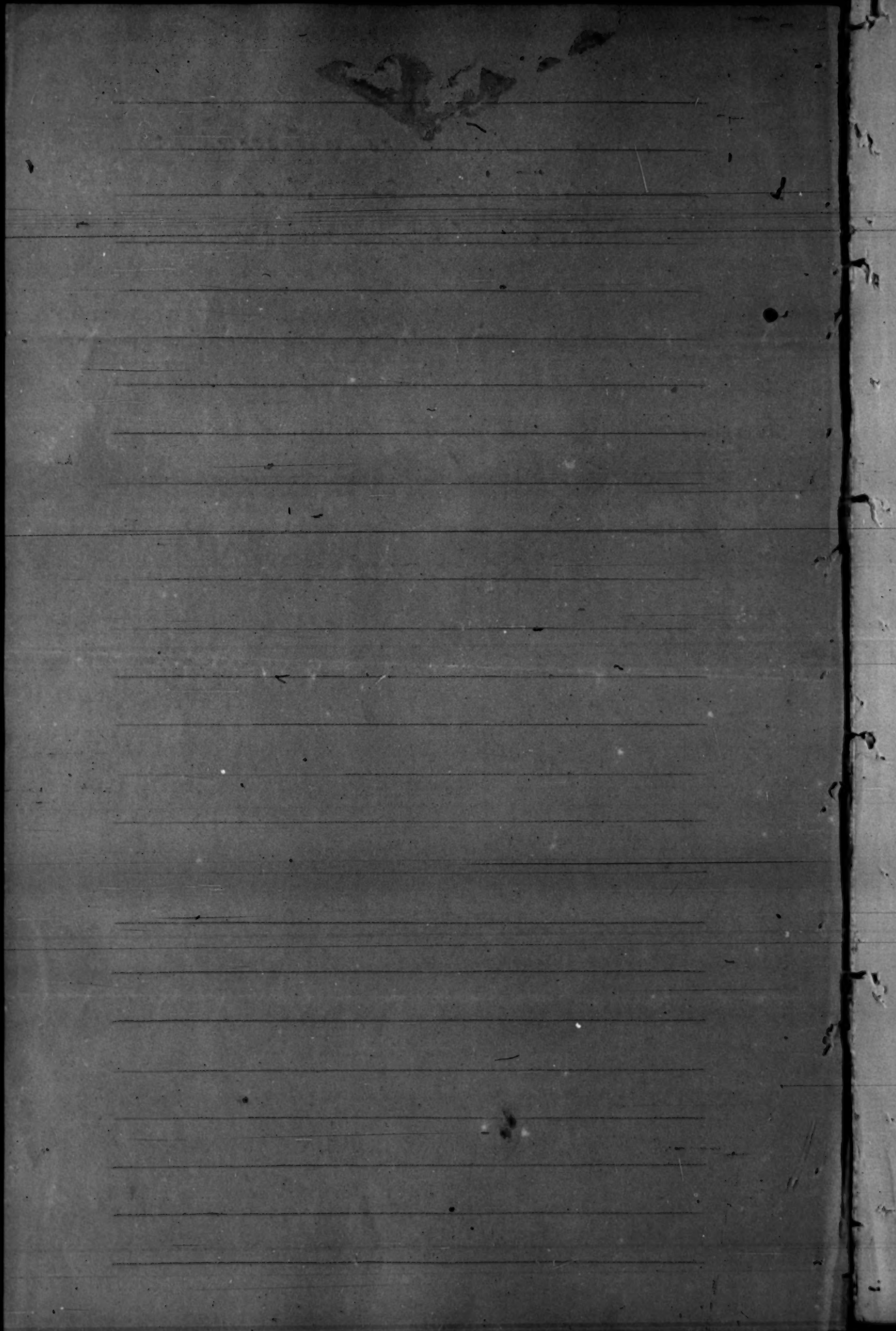
# Index to Inclosures in Dispatch N: 4.

(Relating to the Coolie Trade.)

Macao, February 24: 1860

Inclosure	From	To	Subject Matter	Date
1 <sup>a</sup>	Lau	J E Ward	Desires to see the Messenger's case settled	Jan 30. 1860
2 <sup>a</sup>	S H Williams		Minute of interview between Lau & J E Ward	Feb 1. 1860
3 <sup>a</sup>	J E Ward	Lau	Coolies have been returned to Messenger. The "Gov. Morton's" clearance must be given	" 3 "
4 <sup>a</sup>	C F Preston	J E Ward	Risk to coolies if liberated at Whampoa	" 3 "
5 <sup>a</sup>	Lau	D <sup>o</sup>	Will see that the coolies be soon examined	" 5 "
6 <sup>a</sup>	B D Manton	D <sup>o</sup>	"Messenger" has ret. to Whampoa, coolies in her	" 2 "
7 <sup>a</sup>	D <sup>o</sup>	D <sup>o</sup>	Wishes the coolies to be examined speedily	" 2 "
8 <sup>a</sup>	J E Ward	B D Manton	Explains what has been & is doing in relation to their examination	" 2 "
9 <sup>a</sup>	B D Manton	J E Ward	Corrects an erroneous remark in last note	" 3 "
10 <sup>a</sup>	O H Perry	D <sup>o</sup>	Inclosing note respecting coolies from	" 4 "
11 <sup>a</sup>	S. Robertson	O H Perry	Desiring that the coolies be fairly examined	" 3 "
12 <sup>a</sup>	S H Williams	J E Ward	Process & results of examination of 432 coolies	" 7 "
16 <sup>a</sup>	D <sup>o</sup>	D <sup>o</sup>	Case of a coolie released at Macao	" 20 "
26 <sup>a</sup>	G Nye Jr	D <sup>o</sup>		
36 <sup>a</sup>	Lau	D <sup>o</sup>	Incloses 12 regulations for hiring laborers, which he wishes sent to Swatan	" 18 "
46 <sup>a</sup>	J E Ward	Lau	Will forward instructions to consul at Swatan	" 24 "





Copy

Dispatch 4. Inc. 2<sup>nd</sup>  
Feb. 26<sup>th</sup> 1860

Liau, Governor General of the Two Kwang,  
etc etc herewith sends a reply -

I have had the honor to receive  
Y. E. despatch of the 24<sup>th</sup> inst, in which  
you inform me that in relation to the  
Ship which had onboard the Kidnapped  
people, you have required the United  
States Consul in connection with the  
Chinese authorities to investigate all  
her proceedings and arrange the affair  
equitably in conformity to stipulations  
of the treaty - In the same despatch  
you also observe, that you have required  
the Consul to make the Captains of all  
American vessels obey the regulations  
established at Canton for hiring laborers,  
so far as they are not opposed to treaty  
stipulations, and then remark, that  
the [my] reply is, in its tone, not  
altogether such as you expected after  
this declaration -

I have carefully compared these  
observations and find it difficult to  
reconcile them, to tell exactly what you  
refer to, or how to understand them -  
Again you remark that you have ordered



the United States Consul to retain the papers of the Ships I mentioned until he could personally examine into this whole business with the Chinese officers and agree as to the course to be pursued in respect to this affair.

It is certainly my earnest desire to arrange it with the Consul, but to my repeated orders to him to this effect he has not replied, and even when he comes to my office to confer respecting the matter his interpreter is not very clearly understood in what he says. Besides, there is almost certain to be some error or misunderstanding in personal interviews and arrangements, & I respectfully request that J. E. will enjoin on the Consul hereafter to make known his views in writing, which will probably be more conducive to a ready completion of affairs. As M. E. is coming to Canton soon, we can confer upon this affair personally, and fully understand each other to bring it to a conclusion in accordance with the fixed regulations and the principles of equity.

In sending this reply, I avail my-  
self of this occasion of the new year to  
respectfully congratulate you.

To His Excellency John E Ward  
Envoy Extraordinary and Minister  
Plenipotentiary of the United  
States to China.

January 30<sup>th</sup> 1860.



Disp. 4. Inc 2<sup>o</sup>  
Feb 24. 1860

At an interview between Lai,  
the Governor General of the Two Kwang,  
and Mr. Ward, accompanied by Com-  
modore Stirling, Mr. Williams and  
Consul Perry, held at the yamen of  
the former within the City of Canton,  
on the 1<sup>st</sup> of February 1860, the affair  
of the "Merrimack" and other American  
ships, whose captains had been charged  
by the Chinese officers with attempting  
to carry off natives by violence as Coolies,  
was discussed.

Mr. Ward stated that he had  
come to Canton to see His Excellency  
in order that this perplexing matter  
might be arranged without further  
delay.

There were four ships implicated  
in the business, three of which were  
chartered by Englishmen, and the other  
by Frenchmen - This last, the "Kitty  
Simpson", had delivered up the 31 men  
she had on board, and there was therefore  
now no reason for detaining her, and  
he wished her papers to be delivered.

Governor Lai replied that he

Ward

was of course unacquainted with all the details of trade and shipping, but he could only look to the Captains of these four vessels and hold them responsible for infractions of law committed on board their ships. He was much pleased to learn that there were no Corkies detained in the Kitty Simpson, and her clearance should be granted tomorrow. He hoped, too, that he should be able to arrange about the other three.

Mr Ward expressed his satisfaction at the Governor's willingness to discharge the Kitty Simpson, and proceeded to explain that the other three vessels were all chartered by one Stone, and that all the Corkies in two of them, the Governor Clinton and Pioneer, had either been transferred to the Messenger in readiness for her intended departure, or had been relieved up. As soon, therefore, as the whole number in the Messenger had been accounted for, these two ships would no longer be detained, and he should apply for



their clearance to leave the port -  
Of the 475 Coolies who had been carried  
from the "Messenger" to Macao, 25 had  
run away there, and 26 had been  
given up by the Portuguese authorities  
to Chinese officers, who had passed their  
receipt of them - The remainder would  
all be on board the ship by tomorrow  
or next day, far more than 200 had  
already been brought back - They  
should then be made ready for  
examination whenever the Chinese  
authorities desire in order to clearly  
ascertain whether they are willing to  
go or not, according to the terms of  
their contract, the U. S. officers being  
present to assist.

The Governor said he had never  
seen the Contract under which these  
Men had been engaged, but if they  
were willing to go according to its  
terms, he had no desire to detain them -  
He was placed as ruler over the people,  
and he desired to do all he could to  
put a stop to their being kidnapped  
or beguiled as they had been, and

forcibly carried away to other countries -

Mr Ward coincided in this view,  
and reiterated his determination to  
allow no American ship to leave  
Whampoa or any other port in China,  
carrying natives aboard against their  
will -

The Governor expressed his  
gratification at the manner his wishes  
had been met, and assured Mr Ward  
that measures would be taken to  
examine the Coolies in the Meninger,  
so that no wrong would be done to  
any of them. -



Disp. 4: Inc 3<sup>a</sup>  
Feb. 24. 1860

United States Legation -

Canton February 3<sup>d</sup> 1860.

Sir,

I have the honor of informing  
Your Excellency that the Coolies taken  
on the night of the 26<sup>th</sup> of January  
from the American ship "Merringer"  
and the other American ships in  
Whampoa have been returned and  
are now on board the ship "Merringer"  
awaiting the demand of Your Excellency,  
and the ship returned to the Reach at  
Whampoa -

The ship "Governor Norton" having  
no Coolies on board and those which  
were on board of her being a part of  
those to have been sent by the  
"Merringer" having now returned to  
that ship there is no longer any  
reason for withholding her clearance  
and I have instructed the Consul  
to make application at the Chinese  
Custom House for her Grand Chop.

To His Excellency Sir,  
Governor General of the Two Kwang

Disp. 4. Inc 11<sup>3a</sup>  
Feb. 24. 1860

Canton, February 3<sup>d</sup> 1860

A. E. Ishu E Ward

Sir,

In accordance with your request at our interview yesterday, I am happy to state in writing, the substance of the opinions expressed at that time. The reasons for suggesting that coolies who are to be liberated be brought to Canton, will be obvious after considering the mode in which they are, in many cases, obtained.

Parties wishing to procure coolies offer high prices, which tend to excite the worst passions of unscrupulous Chinese. Foreigners not understanding the language, may be deceived and become parties to a system utterly abhorrent to the simplest principles of humanity. It is evident from numerous depositions of Chinese in their courts, and from other sources of information, that people of the same village, partners in trade, and members of



of the same family, have held the unnatural relation of crimp and victim. In such cases the facts cannot be known except by the liberation and return home of the sufferer. Whampoa has unfortunately become the haunt of a most depraved class of kidnappers, who think lightly of adding the guilt of murder to a long list of horrid crimes. It has often been the case, that coolies have been liberated only to suffer intimidation and torture from this class of people.

It has repeatedly been suggested to me by Chinese cognizant of the true state of affairs, that liberated coolies be always brought to the city of Canton. My own teacher, whose nephew was inveigled, and rescued only by the payment of a large sum of money, is earnest in urging the propriety of this course.

The conclusion cannot be avoided, that the knowledge of these facts, in

in their own experience, must  
lead many Coolies to choose rather  
to remain aboard the vessel when  
examined, than incur the hazard  
of landing.

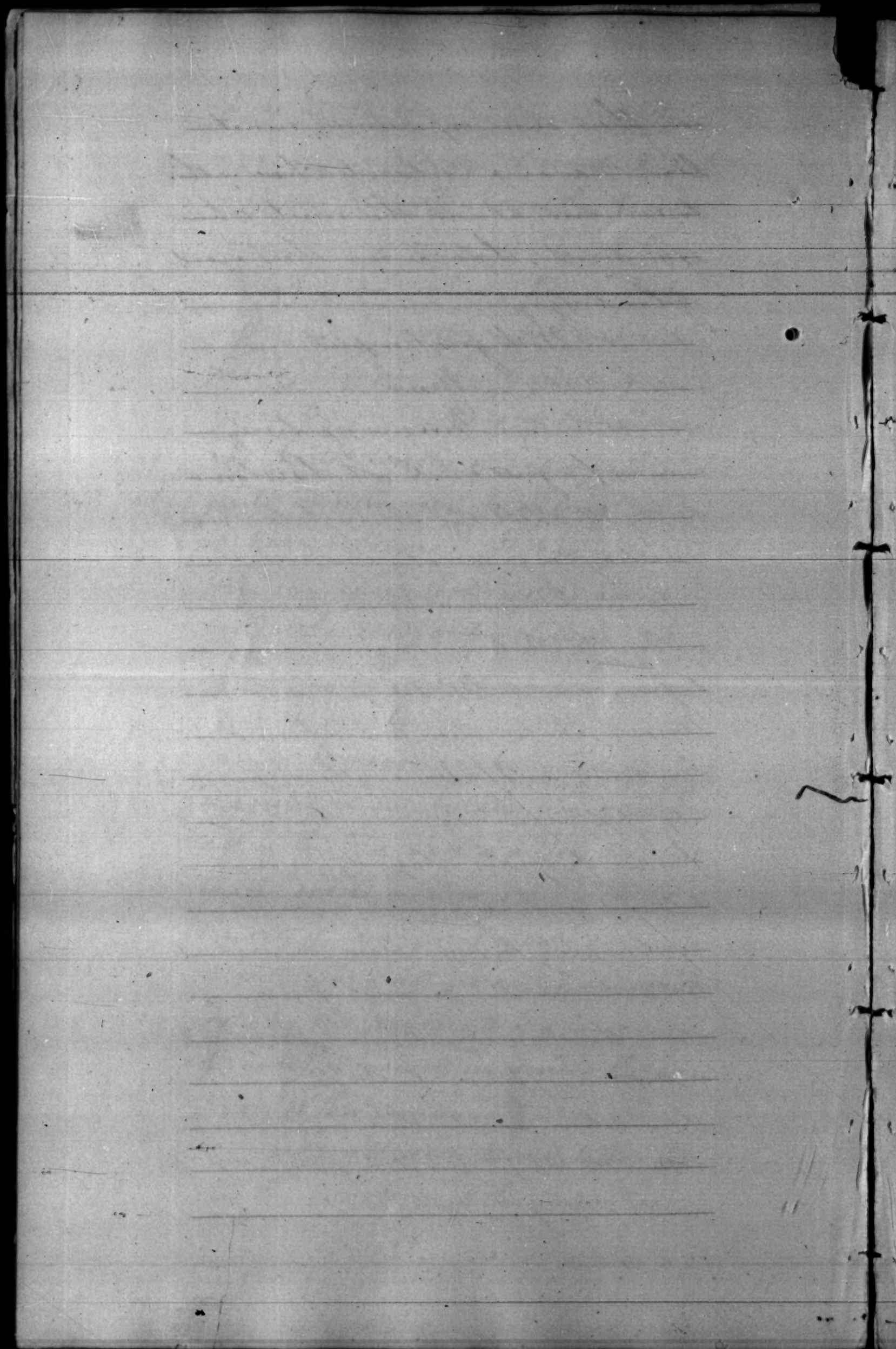
With great respect

I am

Yours very truly

(signed) C. F. Preston -





I request that you will order that it be granted - I have instructed the Consul not to withhold his papers after twelve o'clock tomorrow.

I must again repeat to your Excellency what I have before so often said that in the Coolies on board the "Messenger" no American Citizen has any interest. That ship has been chartered by Lyall Stell of an English House in Hongkong to take Coolies to Havana a Spanish possession - the Coolies being under the Control, management and supervision of Mr Targas a Peruvian. Now if under this complication your Excellency will assume the responsibility of demanding those Coolies as Chinese Subjects illegally seized and detained and will send your officers to Whampoa to have them brought up to Canton for the purpose of examination the American Consul will proceed with your officers to the ship and see them delivered into their hands, when ~~before~~ the ship must be permitted to receive her Grand Chop, or her papers will



not longer be withheld from her.

In pursuing this course the Chinese Authorities must assume all responsibility to the Citizens and Subjects of the different Countries whose interests may be involved. If your Excellency shall desire a fair and full examination on board the vessel before the Coolies are removed, the ship is at your service for this purpose and your officers shall receive every respect and Courtesy and I will instruct the Consul to have delivered to them every Coolie who is not willing to go under his contract after the same shall have been fully explained to him and that I may be assured that this is faithfully done, Dr Williams the Secretary of Legation and the next highest civil officer of my Government in China and speaking perfectly the Canton Dialect, will be present with the Chinese Officials to superintend the examination. If, however, Your Excellency will assume the responsibility of taking them from the ship without examination they

will be delivered to your officers on  
your demand made as before stated.  
As the ship has now been detained  
here at great expense by her inability  
to obtain the return of the Coolies I  
must request immediate action in  
the premises, for if the Coolies are on  
board Monday morning after this  
information now given to your  
Excellency I shall, to satisfy myself  
that no Coolies are taken on board an  
American ship against their will or  
without a full understanding of  
their contract, direct the examination  
to proceed under the supervision of Dr  
Williams and the American Consul  
and upon its being certified to me that  
there are no unwilling Chinese on board  
the ship I shall direct the Consul to apply  
at the Chinese Custom House for the Grand  
Chop and to detain the ship no longer -  
In the event of the last mentioned exam-  
ination it will commenced at twelve o'clock  
on Monday and I trust your Excellency  
will have officers there to take their part  
in seeing that full justice is done to every



Chinese Subject and that not one is  
detained against his will or without  
a full knowledge and understanding of -  
his contract.

I have the honor to be with  
great respect,

Yours obedient servant,  
(Signed) John E. Ward.

Disp. 4. Inc. 57a  
Feb. 24. 1860

Lau, Governor General of the Two  
Kwang, &c. &c. herewith replies.

I had the honor yesterday to  
receive your Excellency's dispatch of the  
3<sup>d</sup> inst which reached me about 3 o'clock  
P.M. in which you inform me that the  
U.S. Consul has reported to you that  
the coolies taken away on the night of  
the 6<sup>th</sup> of January from the American  
ship "Messenger", and other American  
ships at Whampoa, have been returned.  
You further state, "If your Excellency  
wishes the Chinese authorities to proceed  
to Whampoa to examine the coolies on  
board the ship as to their willingness  
to go in her or not, I will instruct the  
Consul to proceed there with them to  
assist, and deliver to them any man  
who does not wish to go aboard as a  
labourer, and in order that the coolies  
shall understand their contracts, and  
have no cause for doubt or suspicion.  
I have likewise requested S. Williams,  
the Secretary of Legation, who understands  
the Canton dialect, to be present with the  
Chinese officers to assist in the examination,



"and see that it is equitably conducted.  
"Or if V. E. wishes to take the coolies  
"back to Canton, they shall all be delivered  
"to your officers to take away with them.  
"As the ship has now returned to  
"Whampoa, it is very important that  
"this business be immediately attended  
"to in order that she be detained no longer  
"than necessary at a great loss, and  
"therefore, if the Chinese officers have  
"not come on board by the 6<sup>th</sup> inst to  
"attend to this affair, I shall request  
"the Secretary of Legation and the Consul  
"to proceed to her, and examine the  
"coolies themselves. When these officers  
"have reported to me that there is not  
"one native of China detained on board  
"the ship against his will, I shall  
"instruct the Consul to apply at the  
"Custom house for her clearance."

At the interview which I had  
with your Excellency on the 3<sup>rd</sup> inst. it  
was agreed that I should depute civil  
and military officers to proceed to  
Whampoa, and in concert with Mr  
Williams, the Secretary of Legation, and

Mr. Perry, the U. S. Consul, to take all the coolies which had been brought back to the ship "Messenger" from Macao, and bring them up to Canton to the office of the Foreign District Magistrate, where they could be examined jointly by both parties. It seems to me that the present dispatch should have corresponded with what was agreed upon at our interview, for this business should be carried out according to that conference, and this too, would be agreeable to the regulations which I transmitted to Mr. Perry on the 21<sup>st</sup> of November last, and which I am confident it is the desire of Y. E. to see conformed to in all their provisions.

The Civil and military officers whom I have appointed to oversee this business rose at daybreak yesterday morning to attend to it, and would reach Whampoa about noon, where they will await the arrival of Mr. Williams and Mr. Perry to act with them, and carry out all the arrangements without delay before tomorrow. Though I have myself



been obliged to wait more than a month  
for the action of American officials, and  
have not yet received a full reply to my  
communication to Mr. Perry, I am most  
desirous to carry this matter to a completion  
without delay.

I beg to offer my respectful congrat-  
ulations to your Excellency and I send  
this reply.

To His Excellency John Edward  
Cory Extraordinary &c &c of  
U. S. A to China.

February 5<sup>th</sup> 1860.

Disp. 4. Inc 6<sup>a</sup>  
Feb. 24. 1860.

Copy  
To  
Whampoa Feb 2<sup>d</sup> 1860.

His Excellency

Hon. John Edward

U.S. Minister to China

Sir,

Your Communication  
of the 27<sup>th</sup> ult<sup>o</sup> was duly received, and  
in answer I have to state that the  
Ship "Messenger" is returned to her  
former moorings in Whampoa,  
and that the Coolies have all been  
returned aboard her, and await the  
examination which the Chinese  
Government exact. Will Your Excellency  
use your influence that it take  
place at an early period as possible?

I have the honor to be Your  
Excellency's Obedient Servant

(Signed) Benj. D. Stanton  
Master Ship "Messenger"



Disp. 4. Inc 7.  
Feb. 24. 1860

To His Excellency

Hon John E. Ward

U.S. Minister to China. -

Sir,

The "Messenger" has now laid in this Port nearly a year - the difficulties have been of long duration, and I know that having now induced the Charterers to return there earlier, you intend that she shall have despatch -

But I have to state to your Excellency that an attachment for debt has but two days since been laid upon the ship, and I have with difficulty just raised it - and she is now free. - I do not expect any other demand until after the arrival of the next mail, and I pray Y. E. that such despatch may issue with the Chinese Authorities that in the next forty eight hours I may get our clearance and papers - so that I can leave Amoy the coming week - I hear my owners have only suspended payment - and this freight "if I am

allowed to earn it for them" may be  
of material service to the home. -

Having brought the Corlies back  
as the Chinese demanded the Charters  
are continually demanding my  
sailing from this. - I have nothing  
to do with the examination of the  
Corlies they await the demand of  
the authorities, and I beg Your  
Excellency in view of these facts,  
that I may have my papers on  
Saturday - Any thing that I  
can do to forward this, if V. E. will  
kindly advise me, I shall be prompt  
to do -

In this strait I know not  
what to do, but to implore Your  
Excellency's assistance. -

I am Your obt servant  
(signed) Bury D. Manton -  
Ship Messenger

Thursday aft<sup>n</sup> 5<sup>o</sup> P.M.  
Feb 2<sup>d</sup> 1860.



8. Disp. N. 4. Inc. 8.  
Feb. 24. 1860

United States Legation  
Canton February 2-1860

Sir,

I have this moment received  
your two notes of this date, I am  
now in Canton at your request to  
render you all the aid in my power.  
I certainly do not understand what  
you mean by my having induced  
the Chartered to return the Coolies -  
They were returned as you are perfectly  
aware by the order of the Government  
of allao to which place they had been  
carried against the orders of the  
authorities of Canton - I have had  
no communication with the Chartered  
upon the subject. - Mr. Robertson  
as the agent of Mr. Vargas called  
on me in allao to know if I had  
said that the Coolies must be exam-  
ined on board the ship if they should  
be returned. I told him I had not  
said so & had no such power - that  
they must be examined in Canton if  
the Governor General insisted upon  
that place - He then asked of Mr.  
Parker -

Parkes would be present at the examination making very strong objections to it. I replied he would not be present & that the examination must be by the Chinese authorities. With this he appeared satisfied & left.

I have now for two days endeavored to effect an examination by which alone your ship can be released.

The declaration in your note this evening received "that you have nothing to do with the examination of the Coolies" renders it impossible for me to take any part in the examination as you are the only American Citizen interested in the matter and I have received no authoritative desire on the part of those interested in the examination to have me participate in the matter. I must simply say to the Governor General that the ship is now at her original mooring with the Coolies on board and as no American Citizen has any interest in them it is not my duty in any



manner to interfere with the  
examination.

And having thus discharged my  
duty to the Chinese Government I  
shall then require that such dis-  
position be made of the Coolies on  
board as will give the Ship a right  
to her clearance at the earliest  
possible moment - this she certainly  
could not have as long as she was  
in open defiance of the authority  
of the Port.

Very respectfully  
Yours Obedt Servt  
(signed) John E Ward

Captain Rmz "Dellanton"  
"Messengers"

Disp. 4. Incl. 9<sup>a</sup>  
Feb. 24. 1860

Canton Feb 3<sup>d</sup> - 1860 -

To His Excellency

Am. John E Ward

U.S. Minister to China

Sir,

I seize the first opportunity to disabuse the mind of Your Excellency from any assertion of mine contained in my note of yesterday relative to your "having induced the Charters to return the Coolies" and would state that the impression I meant to convey was that I had done all in my power in inducing them to return the said Coolies - and offered it as a reason that my ship should be cleared. -

I would also add that I rely upon, and ask Y. E. intervention in the affair of the examination of these Coolies, that no undue influence may be used to prevent their giving their assent to fulfil the voyage and their contracts -

Thanking Y. E. for your trouble in this affair;

I



I have the honor to be

Your Obedient

(signed) Benj<sup>d</sup>. Stanton-

Dep. to. Inc. 10<sup>2</sup>  
Feb. 24. 1860

U.S. Consulate Canton

February 4<sup>th</sup> 1860.

Sir,

I have the honor to  
enclose a Copy of a Communication  
received by me from Mr Robertson,  
Agent of Messrs Vargno & Co requesting  
me to ask you to lend your kind  
intervention to procure a fair  
examination of the Coolies before  
the Chinese Authorities.

I have the honor to be

Yours obt Serv<sup>t</sup>

(signed) Oliver H Perry -  
U.S. Consul.

To Hon.

M<sup>r</sup> Ward

Minister Plenipotentiary.

sc sc



Disp. N: 4. Inc. 116  
Feb. 24. 1860

Copy

Canton 3<sup>d</sup> February 1860.

Sir,

At the request of Mr. Vargas,  
who is at present at Whampoa &  
who represents the Coolies on  
board the ship "Messinger," I  
would beg your Honor to ask  
of Mr. Coulter, U.S.  
Minister, that his kind inter-  
vention may be exercised to  
procure a fair examination of  
the Coolies before the Chinese  
authorities.

Wear,

For Vargas & Co

(Signed) J. Robertson

To Oliver Hazard Perry Esq  
U.S. Consul  
Canton

Disp. 4. Inc 12.  
Feb. 24. 1860

Copy Canton, February 7<sup>th</sup> 1860.

To His Ex<sup>y</sup> John E. Ward

U.S. Minister - &c &c

Sir,

In accordance with the arrangements agreed upon at your interview with the Governor General on the 3<sup>d</sup> inst. respecting the disposition and examination of the Coolies brought back from Macao and placed on board the "Merrimack" and in compliance with your request that I would see them carried out, I proceeded to Whampoa with Mr. Perry on the Evening of the 4<sup>th</sup> and went on board that ship. We found the first mate in charge, with orders from the Captain not to deliver up a man to any body without the order of Mr. Vargas, the agent; no Chinese officers had reached the ship, and as there were no signs of their arrival in native boats, we both returned to Canton in the afternoon. On the way we passed the deputy of the Governor General going to Whampoa in company with the Captain, and agent of the "Merrimack", but as all of them were on board the steamer "Mili".



we did not know it at the time, nor that they intended to bring half of the coolies to Canton in that vessel. -

This was done on the 5<sup>th</sup> but as the arrangements for landing them were not completed, and the day was far spent, by Mr. Vargas desire they remained aboard the "Mili" till Monday morning -

About 9 o'clock that day she dropped down off the City, and 215 coolies debarked under the direction of the Chinese deputy and a large body of native police, assisted by four or five English policemen to prevent disturbance. I was aboard and at the landing-place, and accompanied him from the vessel to the office of the Nanhai district Magistrate in the City, whither the coolies were all taken and preparations made for their examination. - I informed Mr. Vargas of the time and place that he might be present with his interpreters and contractors to confront the coolies. Captain Manton was not aboard the steamer when they left her. -

After the names and residences

of the men had been written, they were brought up in companies of twenty before the magistrates of the two districts of Kankai and Pwanjin, who had been directed by Governor General Lai to act in the case, and invited Mr Perry and myself to take seats with them on the bench. Captain Sym of the Allied Police force, and other gentlemen from the allies were present, drawn by a desire to hear the details, and learn the results of the inquiry, of which they took notes.

The Chief points to be ascertained were, whether the men before us had gone on board the ship of their own accord to engage themselves as laborers, whether they had voluntarily signed the contracts and received contract-money or other compensation, and whether they were now willing to go abroad in her. These questions were put to each man separately - and every one of the 215 unhesitatingly replied in the negative, some of them declaring that they had rather die than go in the ship.

I was allowed to put all the questions



to the men which the time permitted,  
and hardly one of them went from the  
stand without answering many  
inquiries as to the mode of his being  
taken to the ship, or to the barracoon,  
' who had induced or compelled him  
to go, the treatment he had received  
before and after entering them, and the  
means employed to induce him to sign  
the contract, with the degree of intelligence  
he possessed of its provisions. The majority  
of the Coolies were between the ages of  
20 and 30, the extremes being 16 and 55;  
they were generally in good health, and  
belonged to the lowest orders of Society—  
field labourers, boatmen, artisans, and  
porters, only a few of whom were able to read.

Their evidence exhibited a  
dismal uniformity of the acts of deception,  
violence, intimidation and crafty devices  
practised by native crimps to beguile  
or force them to go on board boats, where  
they were compelled to assent to the  
demands of their captors, and go with  
them on board ship or to the barracoons  
at Callacaw. Nearly every one complained  
of

of harsh treatment from their Country-  
men in this position, an earnest of  
more if they persisted in their refusal.  
Some had been beaten with sticks or  
things, others had knives drawn across  
their throats, were strapped down on  
boards, triced up by their toes or wrists,  
or pounded over the head - One man  
produced the tooth which had been  
knocked out by a stick, others exhibited  
the creases left by the cords on their  
fingers or feet, or the wales made by  
the sticks on their bodies. -

When moved on board ship or into  
the barracoons, they were asked or required  
to sign the contracts presented to them,  
of whose provisions they only knew that  
they were to go to a Spanish Country for  
a term of eight years as laborers at 24  
dollars per month - In no case did it  
appear that the individual to whom the  
Contract was presented had, in his own  
opinion, any other alternative than to  
sign it or endure further punishment -  
a few out of the whole number had not  
signed it, but the great majority had



signed two copies, and in every case by impressing the tip of the fore or middle finger in ink and stamping the paper - When asked why they declined to go after thus signing the contracts, they declared that they had affixed their mark through fear of further punishment, or from what they had seen suffered by others, and that often their hands had been seized and the stamp made by another, but in every case without their consent.

About 25 of the whole number had been forcibly kidnapped, on the road, in the house, at the landing-place, or in boats, the others had been cajoled to go with their captors - Some had been gagged, and others hooded, and thus in one way and another carried off without being able to cry out for rescue. The pretence made to many was that laborers were wanted at Whampoa or elsewhere, and when they reached the ship's side they were threatened with worse treatment if they refused to go on board quietly - Sometimes extreme measures were used to force the victims

of the crimps to enter the vessel, and after they were onboard, many received harsh treatment to get them to sign their contracts.

The evidence went to prove that cruelty had been practised onboard ship both by Chinese and foreigners, to induce the men to sign; they spoke of a man named Atsat, and of others whom they concluded to be Portuguese, from whom they had received stripes. They thought that their captors had received money from the ship; they themselves had received a suit or more of clothes, bedding, and a dollar for sundries. None of them were allowed to write or send to their friends to inform them of their condition; and even the few who could read were not allowed to read the contracts before stamping their fingers. They were all kept as far asunder from their countrymen as possible; and force was used to keep them quiet, though this does not appear to have often been necessary. The violence was employed to obtain signatures.



Most of the men were from this province and nearly every district had its representative, only about a score being from adjacent provinces. Four or five had been taken in Kwangsi, the crimps having promised them constant, well-paid labor if they would accompany them to Whampoa or Canton, a distance of 200 miles. The promise of a bounty to enlist as soldiers, and go against the rebels at Nanking, had beguiled two or three. Most of them had gone on board the ship since the middle of November, but no account was taken of the number which had signed their first contract there. A large proportion were first taken to Macao, and signed contracts before the Procurator.

If the Coolies knew the names and residences of their captors or crimps, the clerks took down such particulars as were sufficient to guide further investigation; but the minority only were able to furnish such particulars.

The examination lasted till after six o'clock. Mr Vargas came in soon after it began,

began, and his Portuguese interpreter put a few questions to the man on the stand at the moment, which were answered promptly. The next man passed unquestioned by him, and so for seven more, when the party retired. Mr Vargas seemed to think that the Cooks had been tampered with, but how far their depositions were influenced by any other considerations than their own experience of the treatment they had seen or felt, could not be ascertained from any evidence before us. He could have conducted the most careful cross-examination of every man, even if the investigation had been prolonged several days. I do not affirm, of course, that the Cooks always spoke the truth, I merely report what they testified at an examination, which, so far as I could see, was conducted by their own authorities without either intimidation or cajolery.

The steamer Kumpu, chartered by the Chinese Government, brought up the other half of the men yesterday, and this morning I went on board with the same Deputy as before, & at the same place, to oversee with him their embarkation. They were taken to the same



office, and the 217 were examined by the same Magistrates, but no one was present on behalf of Mr Vargas, who had returned to Whampoa. - The result was the same. - Not one man of the whole company had gone on board the ship of his own accord, not one had voluntarily signed the contract, not one was willing to go abroad in her as a laborer, and not one regarded the clothes and money he had received as binding him to adhere to it - of five of them had not signed any contract, but all had received clothes, bedding and a dollar or two. -

The details of the second day's enquiry are so much like those of the first, that it seems to me needless to recapitulate. - Care was taken today that the company of twenty should not hear the questions put to their Comrade before their own examination, but I do not think that if they heard yesterday, it made any difference with the result, for each man was evidence only for himself and not another. -

Mr Perry kindly remained during the examination of the entire number 432, which towards the latter part of each day

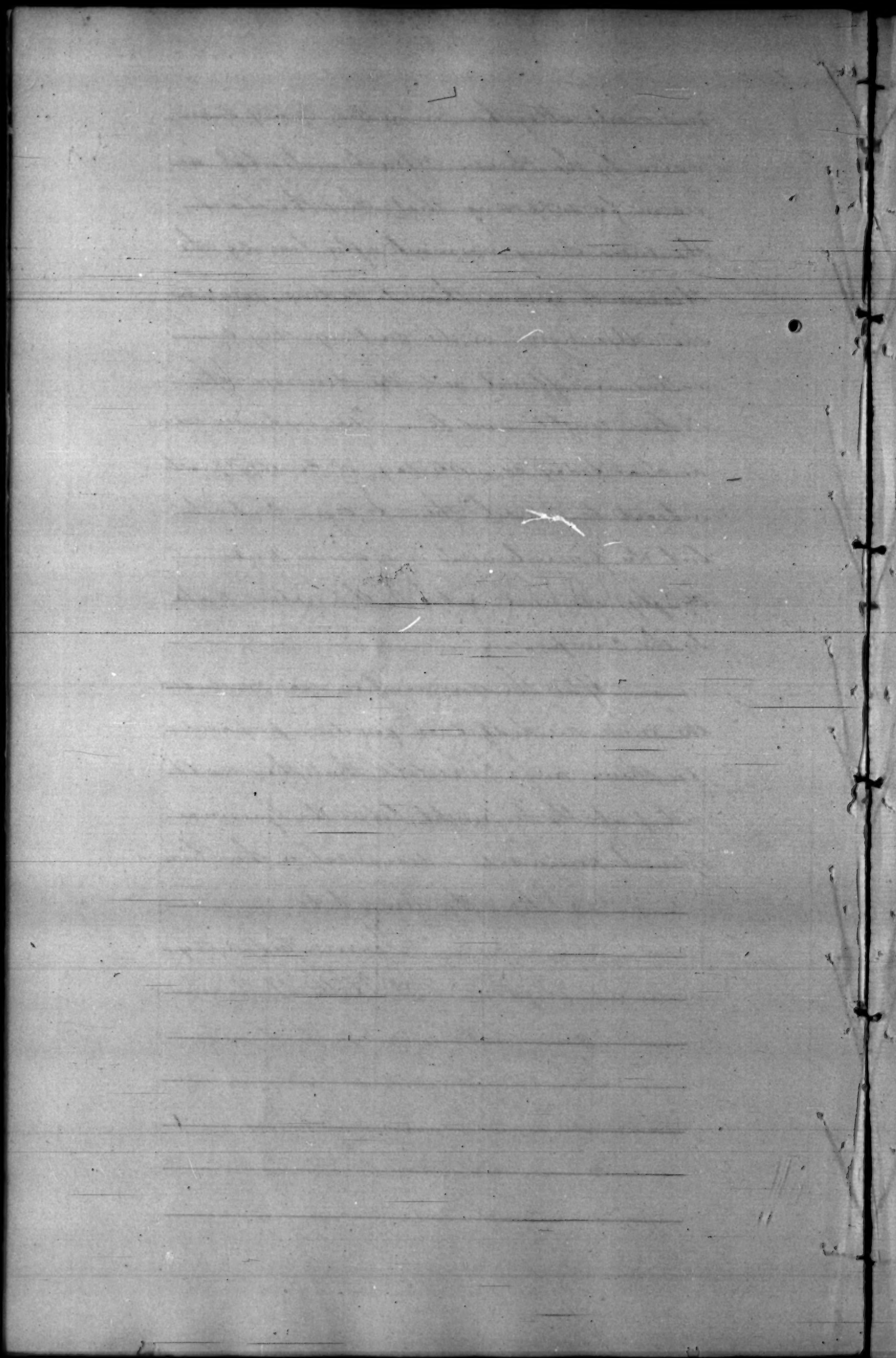
was nearly altogether committed to my super-  
- vision by the Chinese Officials. - We had no  
reason for supposing that they threatened  
the men at any moment after leaving the  
steamer to induce them to decline going in  
the "Messinger"; on the contrary, they seemed  
rather indifferent as to the decision the  
Coolies might come to. - The evidence was  
as clear today as yesterday of cruelty practised  
onboard to compel them to sign contracts,  
but the punishment or violence was  
chiefly exercised onboard the native boats  
by the crimps. -

After the examination was concluded,  
the men were lodged in quarters prepared  
for them, and I was told that they would  
all probably be brought before the Governor  
General previous to a dismissal to their homes. -

I have the honor to be

Yours Obediently,  
(signed) S. Wells Willdianes-





Dish. 4. Inc. 1<sup>st</sup>  
Feb. 24. 1860

Copy

Macao February 20<sup>th</sup> 1860.

Sir,

A Chinese was brought to my house today by Mr. Chyd, the U.S. Vice Consul of this place, whom he had just been the means of liberating from one of the baracoons under the control of Mr. Vargas, and who would probably soon have gone on board the "Messenger" now loading here with coolies for Cuba.

This man, named Chau Ahwei, at 20. related to me that he was induced to go into a boat while seeking for a passage to Fuhshan, where he was going to attend the literary examination and compete for his degree. He is a native of Tsingyuen, 25 miles north of Canton, and had left the City in this boat, but during his passage towards Fuhshan was made dead drunk by his companions, and when he came to himself found that he had been stripped of every thing, rings, clothes, books, &c and

To His Ex<sup>ty</sup> John E. Ward

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that the boat was among the Shipping  
at Whampoa. His Captors, learning  
that none of the ships there would receive  
coolies, forcibly transferred him to another  
boat to take him to Macao, giving him  
just enough clothing to cover him.

When called upon to give his assent  
to the contract, he was told by the crimps  
that if he refused they would cut off his  
head, he put his finger mark to the  
paper, but he was not permitted to read  
it, nor did he know its contents, the  
only information he had of his desti-  
nation being the questions which were  
put to him.

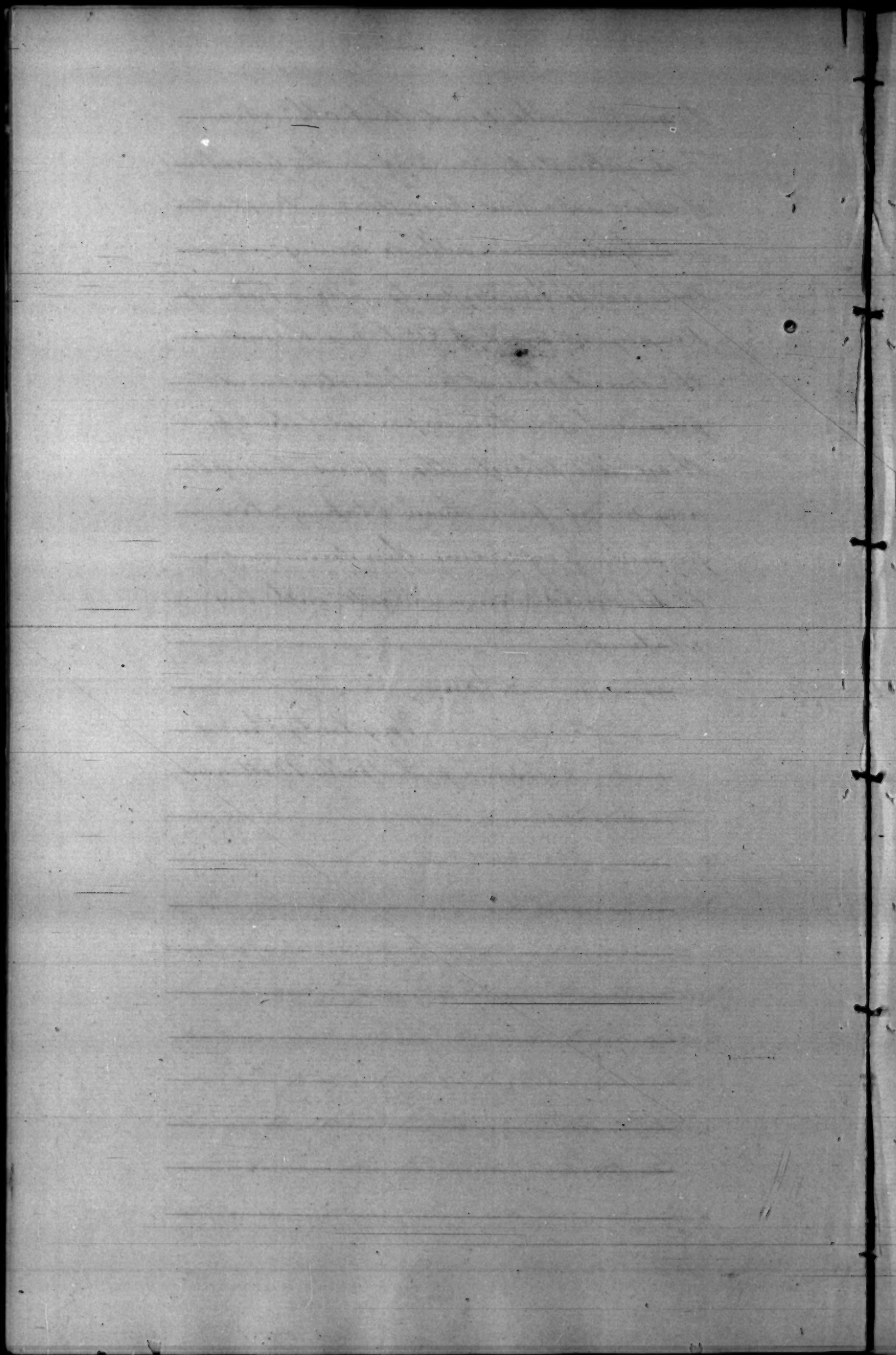
This was about Jan. 12<sup>th</sup> since  
when he had remained in the barracoon,  
together with about 200 others, all utter  
strangers to him, and all penned together  
under the custody of 10 or 12 armed  
Portuguese to prevent their breaking out.  
He was not allowed to write to his friends,  
and the prospect of exile from them had  
begun to affect his mind. Of the whole  
number in the barracoon, he thinks  
there are not over ten who are willing

to go. — He heard that Mr. Aye  
had interested himself in the liberation  
of others who had been thus entrapped,  
and luckily was able to convey a  
message to his servants — Mr. Aye very  
kindly advanced \$80 to his keepers as  
the lowest price of his liberation and  
payment for their expenses (though  
Chau had persistently refused to accept  
any money from them) taking his  
promise of repaying this sum as soon  
as he could communicate with his  
relatives. —

I am

Very truly Yours  
(signed) S. Wells Williams. —





Disp. 4 - Inc. 2<sup>b</sup>.  
February 24<sup>th</sup> - 1860.

Consulate of the United States  
Havana, February 24<sup>th</sup> 1860

Sir,

Instructed by Your Excellency  
I now proceed to make a formal report  
of my verbal statement of the insulting  
language and demeanor of Captain  
Manton of the "Messenger" in my  
office in applying for her papers  
preparatory to sailing for the Havana  
on the evening of the 22<sup>d</sup> instant, when  
I was engaged at the dinner of Y. E.  
in memory of Washington.

By special written request  
of Captain Manton, my Assistant  
Mr. J. P. van Soffelt attended at my  
office and upon his arrival handed  
to him a letter written by myself,  
under the instructions of His  
Excellency Mr. Reed, accompanied

His Excellency

The Honorable

John Edward

Plenipotentiary of the United States

I

I

I



by the printed Circular to Formals  
from the Legation dated the 18<sup>th</sup>  
of February 1858. Copies of both  
herewith.

Captain Manton put my  
letter into his pocket, but  
violently exclaiming with an  
oath "Mr Reed is a liar," tore  
the printed Circular to pieces.

My assistant felt that  
it was his duty to report to me  
what had occurred in my office  
in his presence, as in this case  
totally unprovoked and  
gratuitously insulting to me  
& to himself; and I, in turn,  
alluded to it during the inter-  
view with which Your Excellency  
honored me yesterday, as one of  
the illustrations of the conflict  
of feeling produced by the irregu-  
larities of the Coolie Traffic.

I am,

With great respect,

Your Excellency's,

Obedient Servant

Gideon Nye Jr  
Vice Consul of the United States for Macao

Disp. 4. Inc. 36<sup>3</sup>  
Feb. 24, 1860

Sir, Governor General of the Two Kwang.  
Deputy Consul &c herewith sends a communication.

Of late years the practice of entrapping and kidnapping peaceable people in this province for the purpose of secretly selling them to go to foreign countries has been continually on the increase. The cause and stimulus for this evil are that natives of the lowest class, induced by the money of foreigners, have gone about urging people to become laborers and, carrying out their selfish schemes, have imposed upon them by many crafty stories, and then forced them to be sold to foreign countries that they might enrich themselves by the foreigners gold. The credulous ignorant people have fallen into the snare and the cruellest consequences have resulted comparable to cutting the flesh from the bones. Human nature has become outraged and some measures must be taken to put a stop to these evils for they have become insufferable. At my late interview



with your Excellency, you shewed your full knowledge of the malpractices of these crimps, who had alarmed the people of this region and had enticed off many hundreds and thousands of them and sold them into foreign regions, and intimated a desire that I should establish some rules to remedy and stop the evils now existing for which expression of your views I was much obliged.

The cases of those who are first cajoled and then forcibly sold to go abroad, and of others who willingly go to foreign countries to get a living are essentially different, for the latter consult their own wishes and convenience, but the former receive a dreadful wrong in being thus sold & forced to go; a wrong which imperatively demands the strictest measures of repression, that innocent people may be protected. Those who think of going abroad as laborers need then only go before the local officers and state their intention, when the terms of their contract will be clearly made known to them by the

officers, and if they are still willing, they can receive wages and a day will be set for them to go abroad. But it cannot be permitted that any vessel should receive secretly those who have not passed under the supervision of the officers, for this is just the plan whereby the crimps are able to carry on their villany. Last November I directed Consul Perry not to permit American vessels to become barracoons at Whampoa for the reception of Chinese, but to require that every man who was received should first be examined by the officers at Canton as to his willingness to go. With this intention too, rules have been established at the port of Canton for the hiring of laborers and it is to be hoped that henceforth these practices of kidnapping and beguiling will be entirely stopped.

I have ascertained that at Swatow and Double Island in the prefecture of Chan chaw, under my jurisdiction, there are very many crimps who make their living by whistling the people and then selling them to ships lying there which



carry them off. This port in Chau Chau  
has now been opened to foreign commerce,  
and a Custom house collector has been ap-  
pointed to oversee the collection of duties,  
and assist in regulating the trade. It  
has been decided that the hiring of labor-  
ers shall also be placed under the super-  
vision of the customs department and  
rules for their engagement be issued &  
emigration offices established as at Canton.  
No ship is to be allowed to receive natives  
on board for transportation and all private  
barracoons on shore are to be closed by  
which means it is hoped the proceedings  
of the crimps will be entirely stopped.

Mr. Lay intends to proceed to Chau Chau  
on the 22<sup>nd</sup> or 23<sup>rd</sup> inst when it will be  
desirable to initiate the arrangements  
there and I have ordered him to act  
in the matter with prudence and energy.

I also annex a copy of the regulations  
for Your Excellency and am confident  
that in the spirit of friendly cooperation  
which you have ever exhibited you will  
willingly join in this and transmit orders  
to the U.S. Consul at Chau Chau (Swatow.)

and to all the American merchants  
there, enjoining upon them the strict  
observance of these rules. In this way  
it is expected that the infamous wiles  
of the crimps will be stopped and the lives  
of innocent people protected.

While sending this despatch with  
enclosures, I improve the opportunity  
respectfully to offer you the expression of  
my good wishes.

To

His Excellency

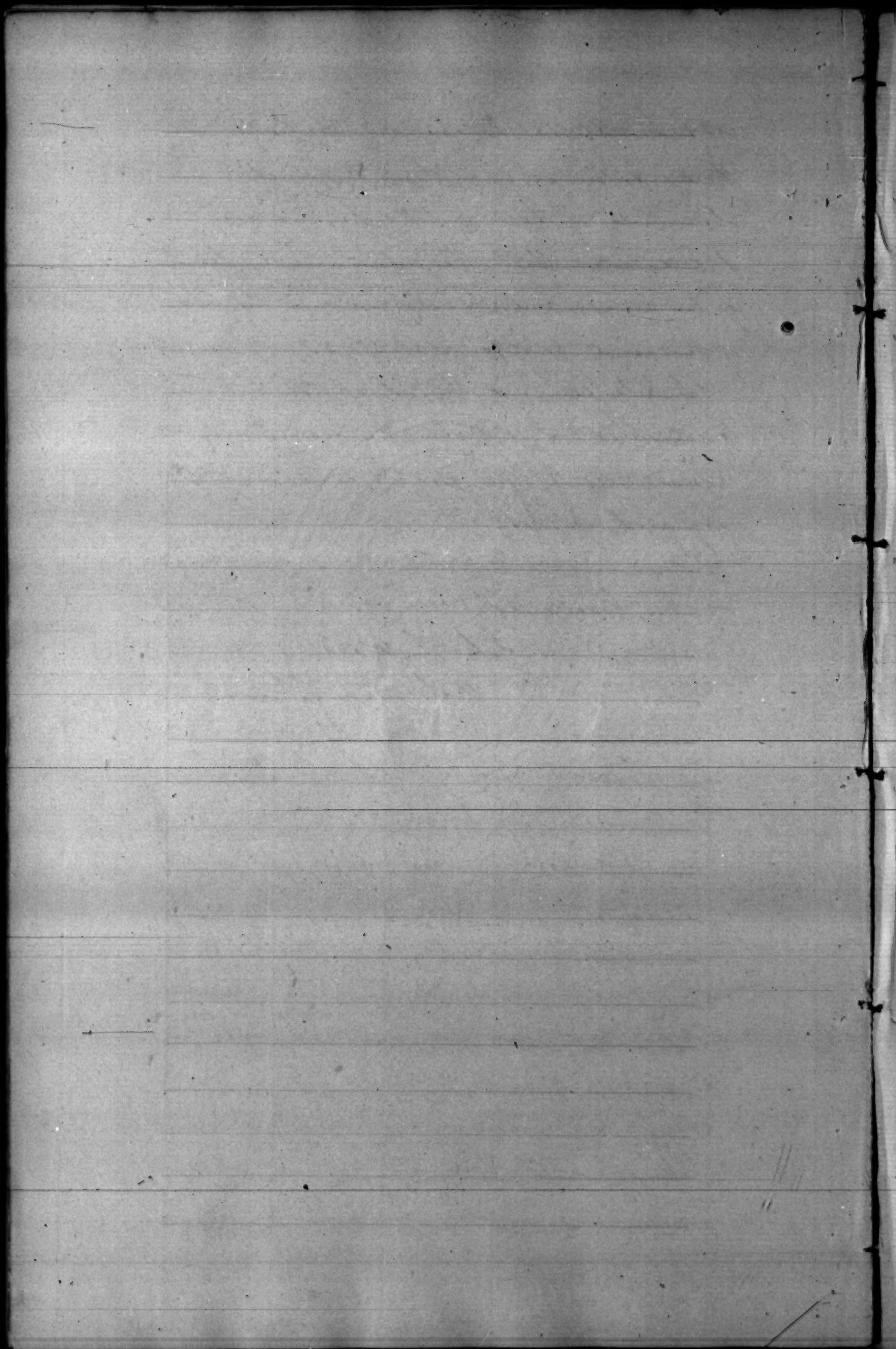
John C. Ward

U.S. Envoy Extraord

&c. &c.

July 18. 1860.





## Regulations for hiring laborers to go to foreign countries.

1 Those who wish to engage laborers to go abroad shall open houses for the purpose in such places as the local authorities shall designate where alone natives shall be received. No private barracoons shall be established nor shall natives be received at any time on board depot ships anchored off in the stream to afford facilities to kidnapping.

2

Those who wish to open emigration offices must previously submit the rules they intend to establish in them and the terms of the contracts to the officer in the customs overseeing this business and to the local authorities that they may see that every stipulation in both is fair and no underhand design is intended.

3

Copies of these rules and of the contract must be posted at the



entrance and within the house, where they can be read by all persons at their leisure and fully understood.

4

The emigration office shall be open every day from 8 A.M. till 4 P.M. during which hours laborers may go in and out as they please without hindrance from the foreign agent or others, and the relations and friends of the laborers shall be allowed to visit them at pleasure.

5

Those who are to be engaged as laborers, whether they stay in the office, or return to their homes to wait for the ship's departure shall personally arrange the terms with the foreigner who engages them, or if they bring their families to the office to remain for the sailing of the ship that all may go together, the Agent shall open separate apartments or have other houses for the families in order to avoid all confusion and promiscuous intermingling.

6  
If the laborers and others in the office create disturbance, or if any person endeavors to cheat the foreigners out of food or clothes, the latter shall seize and deliver such persons to the Customs overseer of this business, and to the authorities, for examination and proper punishment if they be found to be guilty.

7<sup>th</sup>  
The officer of the customs who has the charge of this emigration and the special clerks attached shall daily attend at the office to ascertain how many laborers are there, and who are willing to go. They shall take their names and inquire into their ages, character, family, condition and relatives, which particulars shall all be recorded for inquiry.

A copy of the contract shall be given to each man and the terms be clearly read over to him, and each part explained so that every person shall fully understand its provisions.

8

Four days shall elapse after these



articles have thus been read and explained to the laborers at the office, when the officers in charge shall ask each man as to his willingness to abide by them. If he does, he shall then sign them and await the ships sailing. If he does not incline to go he shall be allowed to go away or he can wait some days longer to confer with the Agent. The Agent shall not however, because he has furnished clothes and rations to these seeking laborers, make it an excuse to force them to take wages and sign contracts.

9.

When the contracts are to be signed, the Customs Overseer and clerks in charge shall again ask each man if he is really willing to receive the wages &c, and he shall then sign his mark. No pressure shall be permitted. The amount of advance money he is to receive shall also be inserted, which shall then and there be given into his hands by the Agent.

After this he cannot be allowed to leave the office until he goes on board ship.

10 The customs overseers and clerks in charge shall give each man a ticket to go on board ship, for signing which there shall be two taels to be collected from the Agent to defray the expenses of the business; and when the ship demands her clearance they shall themselves go on board to see if all the men are there according to their tickets. If some have not them, it will be plain that such have secretly been received on board and they shall be immediately taken ashore to be set at liberty and the matter shall be investigated by these officers in conjunction with the Consul before the ship can be permitted to depart.

11

If after the laborers are on board there are some who for any reason do not wish to go, their cases shall be examined into by the local authorities and the Agent shall permit them to leave the ship. When their cases



have been examined, they shall return  
on board; those who do not go back shall  
be required, by the Authorities, to refund  
the money advanced to them that the  
Agent be not a loser thereby.

12

Seeing that the local circumstances  
of places are unlike and the usages &  
manners of people differ, it shall be  
competent for the officers of emigration  
hereafter to make such other regulations  
in consultation with the local authorities  
as shall be required in addition to these,  
regard being had to the time and exi-  
gencies of the case.

Dispatch L. Inc 4<sup>t</sup>  
Feb 24, 1860

Legation of the United States.

Macao, February 24<sup>th</sup> 1860

The Undersigned, Envoy Extraordinary,  
&c., of the United States to China, has the honor  
to acknowledge your Excellency's dispatch of the  
18<sup>th</sup> inst., which reached him on his return to this  
place. He will immediately instruct the Am-  
erican Consul at Swatow strictly to observe  
the rules and regulations in relation to the  
engagement and shipment of laborers, so soon  
as they have been made known to the public.  
He, however, trusts that Y. E. has given  
such orders to Mr<sup>r</sup> Lay, as will prevent  
all confusion in attempting to enforce them  
before they have been published a sufficient  
time to allow the Merchants and Shipmasters  
trading at Swatow generally to understand  
their provisions.

The



The Undersigned embraces this  
opportunity to express to your Excellency  
his great personal respect

John E. Ward

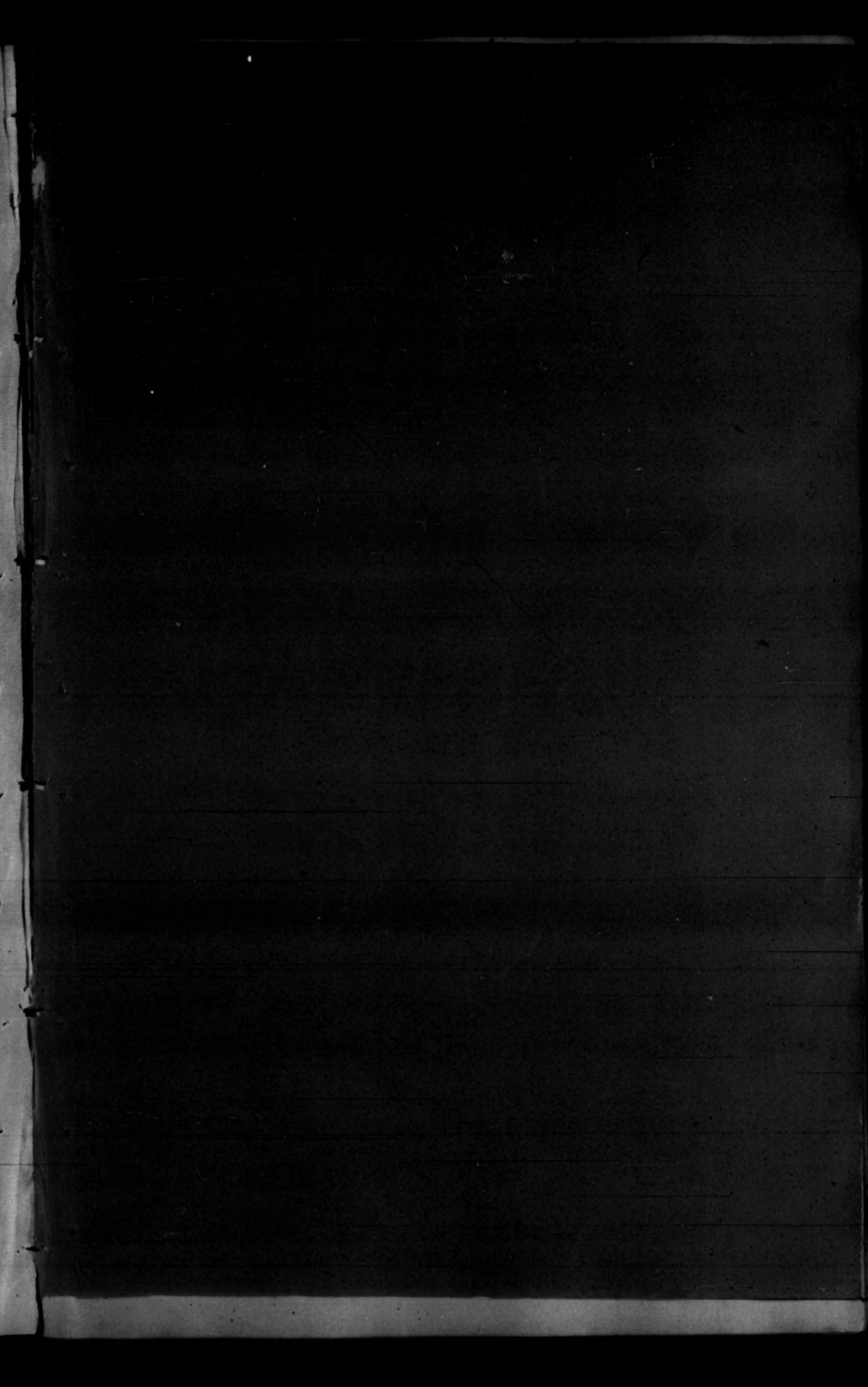
To His Excellency Lian.

Governor General of the Two Kwang,

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Re 25. May. Mr. Allen.

Official No 5 Legation of the United States -  
Macao, March 20 1860 -

Sir,

I have the honor to inform you that sometime since I received a Communication from Mr. Dunn, the Consul at Fuchow, informing me that in consequence of some misunderstanding with the Department in relation to his salary that he would not hold on to the office, and that some one must be appointed as his successor on or before the 29<sup>th</sup> of February. The time allowed me was too short to procure the services of any one to whom I could confide so responsible a trust - I therefore wrote to Mr. Dunn requesting him to hold on to the office until a proper person could be found - to this he assented and I trust that since the 29<sup>th</sup> February it may be

Hon. Lewis Cass

Secretary of State -

Mr. Garrison has Mr. W. C. C. of New Orleans  
arrived at Macao about the 10<sup>th</sup> of Feb.  
of this. I doubtless entertained the  
statement of the office shortly after.



Considered proper to allow him  
his salary - I have now, however,  
succeeded in obtaining the  
services of H. Dwight Williams  
upon whom I have conferred the  
appointment until the will of  
the President shall be known -  
I herewith inclose a copy of his  
Commission - Mr Williams is  
the brother of Dr Williams and  
has just arrived in China -  
I think I have been fortunate  
in securing his services as he  
is eminently a fit and proper  
person for the position -

I have the honor to be  
Sir,

Very respectfully  
Your obedient servant  
John E. Ward

To H. Dwight Williams Esq  
Fuh Chau

Sir,

The exigencies of American  
interests at the Port of Fuh Chau  
rendering it important to appoint  
someone to discharge the duties of  
Consul of the United States at that  
Port, and having confidence in  
your integrity, prudence & ability,  
I do, by the authority invested in me  
as Envoy Extraordinary & Minister  
Plenipotentiary of the United States  
of America to China, hereby appoint  
you to be Vice Consul of the United  
States at the Port of Fuh Chau, &  
empower you to perform all the  
duties and receive all the involu-  
ments of said office until the  
pleasure of the President of the  
United States shall be further  
known.

Given under my hand and  
Seal of Office at the Legation of the  
United States - Manao 16 day of March 1860.

L. S.

(signed) John E. Ward





Rec<sup>d</sup> 25. May.

Sept 6

Official N<sup>o</sup> 6.

Legation of the United States.  
Macao, March 26<sup>th</sup> 1860.

Sir,

I have the honor to  
acknowledge the receipt of Dispatch  
N<sup>o</sup> 11 dated 30<sup>th</sup> December 1859.

I beg to express to the President  
my most grateful acknowledgments  
for the kindness with which he has been  
pleased to speak of me in his message,  
and to you my warmest thanks for  
the manner in which you have  
communicated the approval of the  
President and your own of my  
conduct in China.

The delay which has occurred  
in your receipt of the Treaty has  
been occasioned by an anxious  
desire on my part to obey my  
Instructions.

In Dispatch N<sup>o</sup> 1 dated

Hon. Lewis Cass

Secretary of State.



18<sup>th</sup> of January 1859, I am in-  
structed "as soon as this Exchange  
"shall take place, it is desirable  
"that you should inform the  
"Department without unneces-  
"sary delay of the date of the  
"Exchange so that the Instrument  
"may be officially promulgated  
"the Ratification of the Chinese  
"Government you will retain in  
"the Legation until an opportunity  
"shall offer to forward to this Depart-  
"ment." These Instructions  
were repeated in Dispatch No 5  
dated 29<sup>th</sup> April 1859 when I was  
informed that the Two Conventions,  
one for the adjustment of Claims,  
and the other for the Regulation  
of Trade had been transmitted to  
me and I was directed to retain  
the Ratification of the Chinese  
Government until an opportunity  
should offer to forward it to the  
Department without expense to  
the Government "as you were  
"instructed to do in the case of the

"Treaty with China of the 18<sup>th</sup> June  
"last." This last Dispatch was  
received by me about the last of  
August after the Treaty had been  
exchanged. - Dr. Williams was  
then expecting to leave for the  
United States very soon and under  
my Instructions I believed that  
my duty would be best discharged  
by placing the Ratification of  
the Chinese Government in his  
hands to be delivered to the  
Department; his departure  
from China was delayed from  
time to time for a much longer  
period than had been anticipated.  
He is now, however, on his way  
to Washington where he expects to  
arrive about the first of June  
having left China in the early  
part of this month in a Clipper  
ship for San Francisco -  
I sincerely hope that as the date  
of the Exchange has long since been  
received, there will be no delay in  
the official promulgation of the Treaty.



but as intimated by the President  
in his Message, the Treaty with  
the two Conventions will, before  
this reaches you, have been published  
in the United States.

As the necessary parts of one  
entire whole they are threefold.  
First - the General Treaty of  
Amity and Commerce of the 18<sup>th</sup>  
of June - Second - the Convention  
finally adjusting the indem-  
nities due to our Citizens.

Third - the Convention embodying  
a revised Tariff and new Regu-  
lations of Trade and Transit.

The First - the Treaty - having  
been exchanged is in full force  
and has been published by me  
in China. Whilst I did not  
feel authorized to make known  
the treaty without the assent of  
the Chinese Government and thus  
assume the responsibility of  
embarrassing my own Government  
by failure on the part of the  
Chinese to carry its stipulations  
into

into effect, yet, as the Treaty provided for its publication in China immediately after the Exchange of the Ratifications, I believed it to be my duty to insist upon this and to have it proclaimed so soon as it could be done with the assent of the Chinese Government that our Citizens might, as soon as possible, enjoy its advantages.

If the English and French Treaties had been exchanged as was anticipated when my Instructions were received, they would at once have been proclaimed in China with the American Treaty. These two Governments having failed in obtaining the Ratifications & consequent publication of their Treaties, it <sup>did</sup> not seem to me that I was relieved from the obligation of having the stipulations of the American Treaty carried into effect as soon as possible and this could not be done without its publication in China. I can



now only hope for the approval of the President and that by an early publication of the Treaty with the Conventions in the United States, I may be relieved from the anxiety which is now naturally felt by me.

Begin

Second - The Convention finally adjusting the indemnities due our Citizens not having been exchanged & no necessity existing for its immediate publication in China, has not been published by me.

It is, however, as I have reported in former Despatches, now being faithfully carried out and after the payment of all the American claims, there will be a surplus of more than Two hundred thousand dollars at the disposal of the Government.

End

Third - The Commercial Convention embracing the revised Tariff & new Regulations of Trade & Transit. Although this Convention is regarded by the Chinese, like that for settling our claims, as a part

of the Treaty and no exchange necessary,  
and although I am anxious that it  
should be published with that  
Convention as a part of the Treaty,  
I do not think it desirable for ourselves  
or just to the Chinese that its pro-  
visions should be enforced until  
after the English and French difficulties  
shall have been arranged. That  
Convention is composed of two parts-  
the Revised Tariff & the Regulations  
of Trade and Transit. In regard to  
the Revised Tariff we certainly will  
gain nothing by exchanging for it  
the Tariff of 1844.

When Mr. Reed arrived in  
China-as you will see by reference  
to his Dispatch N<sup>o</sup> 36 dated Nov. 9-  
he addressed a Circular to all the  
American Merchants in China  
asking for information and  
suggestions as to changes in  
the Tariff. In that Dispatch  
Mr. Reed says, "the answers generally  
concurred in the opinion that the  
Tariff of 1844 was a fair one and



"that little modification was  
"needed". Satisfied himself with  
that Tariff when the Treaty of  
Tientsin was signed, it was expressly  
declared "that the Tariff of duties  
"to be paid by the Citizens of the United  
"States on the Exports and Imports  
"of goods from and into China should  
"be the same as was agreed upon by  
"the Treaty of Wanghia except so  
"far as may be modified by Treaties  
"with other nations."

In the Treaty subsequently  
negotiated by Lord Elgin a modi-  
fication of the English Treaty was  
provided for, but Lord Elgin felt  
the absolute necessity of having  
one uniform Tariff for all the  
Treaty Powers - In his Despatch  
to the Earl of Malinsbury dated  
October 21<sup>st</sup> 1858 - he says "I am  
"endeavouring to construct an  
"amended Tariff which all the  
"Treaty Powers will accept as  
"otherwise great Confusion and  
"much injustice to China must  
be

"be the result." In the execution of  
this design he opened a Correspond-  
-ence with Mr. Reed - who in his  
reply dated September 13<sup>th</sup> 1858,  
after quoting the Clause of his own  
Treaty in relation to the Tariff  
proceeds to say - "In that (alluding  
to the Treaty signed by Lord Elgin)  
"subsequently signed by Your  
"Excellency with the Imperial  
"Commissioners, a provision is  
"made having reference to a  
"general revision of the Tariff  
"of Duties on Imports & Exports  
"so as to approximate the impost  
"as much as possible to an ad  
"valorem rate of five per cent  
"the reason of this is declared to  
"be the fall in the value of various  
"articles of Merchandise since  
"the Treaty of 1842/44 by which  
"the rate of duties has been raised  
"above the five per cent. It happens,  
"however, that the main article of  
"American Manufactured goods  
"used in China has appreciated



"since 1844 so that the rate fixed by  
"the former Treaty would be more  
"favorable than a new ad valorem  
"duty." Yet Mr. Reed coinciding  
with Lord Elgin in the importance  
of a uniform Tariff for all the Treaty  
Powers adds "Still properly estimating  
"the advantage, if not the necessity, of  
"something like a defined and  
"equalized Tariff, uniform in its  
"provisions for all Commercial Nations  
"and most especially interesting to  
"Great Britain and the United States,  
"I have requested the Secretary of  
"this Legation to confer &c."

When Lord Elgin reported  
the draft of the Tariff in his Dispatch  
to Mr. Reed dated November 6-1858  
he used the following language;—  
"It would obviously be a hardship  
"to the Chinese Authorities if there  
"were an absence of uniformity in  
"the Tariffs recognized by our respect-  
"ive treaties, and I know too well  
"Your Excellency's high sense of  
"equity to doubt your desire to avert

"from them this source of embarrass-  
ment and misunderstanding."  
In the Dispatch of Mr Reed (No 36)  
forwarding these Conventions he  
says "I trust the President will  
approve the course I have taken,  
"which I am satisfied is the only  
"manly and statesmanlike one  
"I could pursue assuming, which  
"cannot be seriously questioned,  
"that an uniform Tariff for the  
"Treaty Powers is desirable."

I have thought that to force  
upon the Chinese this Tariff thus  
formed during the existence of  
their difficulties with England  
and France thus creating "a  
"source of embarrassment and  
"misunderstanding" would be  
as unwise and unjust in me  
as it was wise and proper in  
Mr Reed to accede to its pro-  
visions and thus prevent "great  
"Confusion and much injustice  
"to China."

When the new Regulations



of transit can be faithfully carried out, the wisdom of Mr Reed in assenting to the Tariff independent of any Considerations for the Chinese will be made manifest but to carry these Regulations into effect the Foreign Custom House System must be established at all the open Ports, and the right of foreigners to go with their goods into the interior of China under the Passport System must be accorded. -

In relation to the first, the New Custom House System, has been inaugurated at three of the open Ports - Shanghai - Swatow and Canton - I learn that it is the intention of Mr Lay (who has been employed by the Chinese Government to carry out this system) to establish the same at all the other Ports as soon as practicable. - In a former despatch I have fully explained the part which I have felt it to be my duty to take in the inauguration

inauguration of this system.

I have recommended no individual American Citizen for any appointment nor have I used my influence to secure the appointment of any one, but I have demanded that American interests should be recognized by the appointment of a proper portion of American Citizens and this was necessary to prevent in the language of Mr Reed "an English and French Commercial Protectorate on this Coast." I have, however, said to American Citizens accepting this appointment that they must do so with the full understanding that they become Chinese Officials responsible alone to the Chinese Government and deprived of all claim upon their own for protection during the tenure of their office.

Wherever this new system has been established the transit



Regulations have been carried out  
as far as the influence of the  
Custom-house could extend,  
but this is necessarily very  
limited and, as I have before  
said, foreigners must be able to  
follow their goods into the Country  
and to go into the Country for  
the purpose of purchasing produce  
before the benefits of this System  
can be realised to any extent-  
No such right being given by  
our Treaty but as stated by Mr  
Reed in his Communication  
to the Imperial Commissioners  
dated Shanghai November 10-  
1858 "The right of Citizens of  
"the United States to go into the  
"interior of China is derivative-  
"is conferred by that Clause of  
"the Treaty of Tientsin of the  
"18<sup>th</sup> of June which gives to the  
"United States and its Citizens  
"all the privileges of the most  
"favored nation "We must wait  
for the enjoyment of this right

until the English Treaty from  
which it is derived shall have  
been exchanged and put in force.  
Whilst therefore I am anxiously  
expecting by the arrival of every  
Mail to learn that the Treaty  
with both Conventions has been  
officially published by the  
President it will be impossible  
to enforce that embodying the  
Revised Tariff and new Regu-  
-lations of Trade and transit  
until the settlement of the  
difficulties between China and  
England and France. —

In obedience to the expressed  
wish of the President (should  
that wish continue unaltered)  
I will remain in China until  
Autumn, or if necessary until  
the end of the present year - by  
which time the difficulties  
between China and the Allied  
Powers will either have been  
adjusted or become chronic, and  
in the last event my Successor

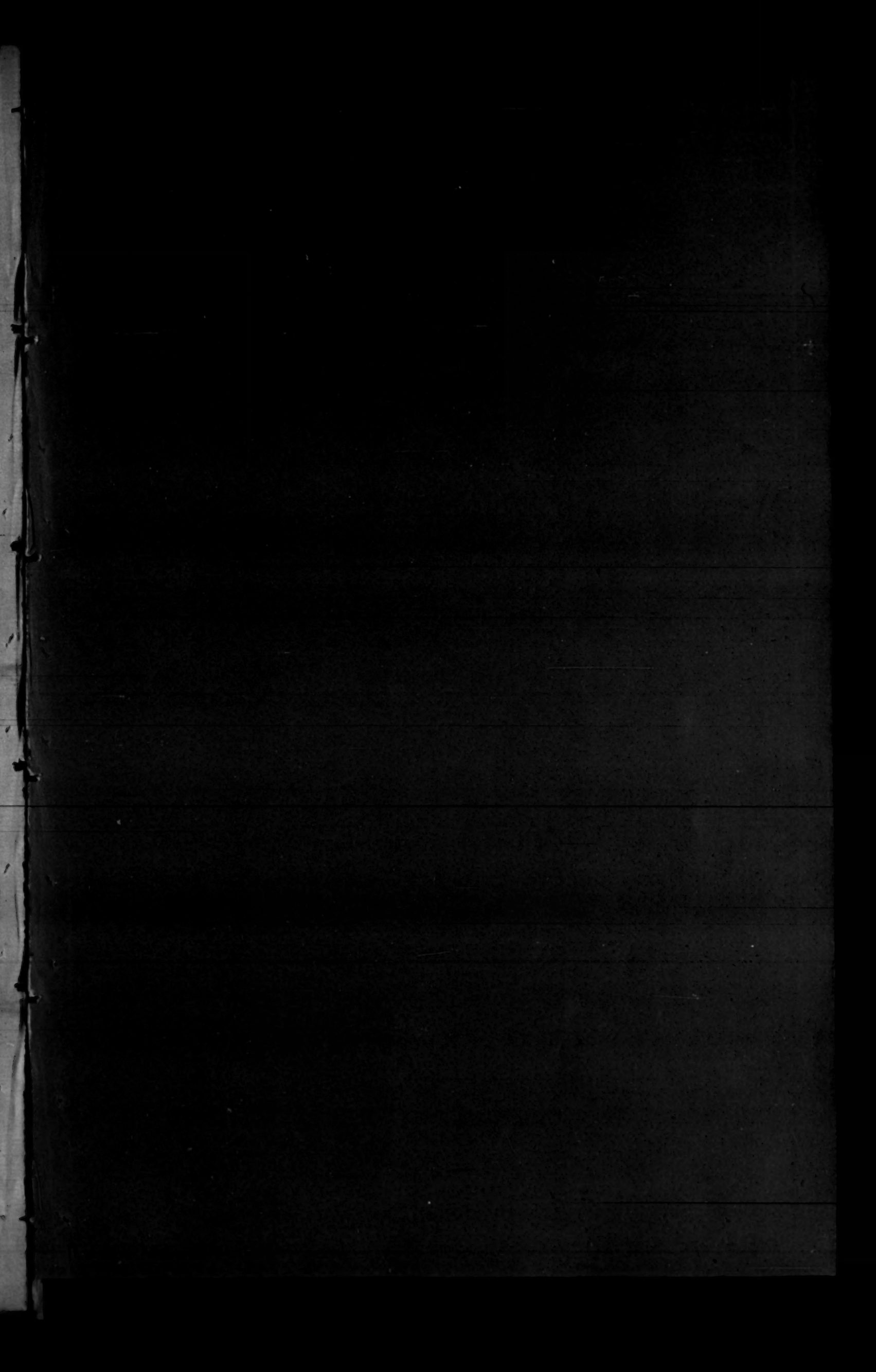


appointed next spring will have  
ample time to reach China before  
his services can be required.

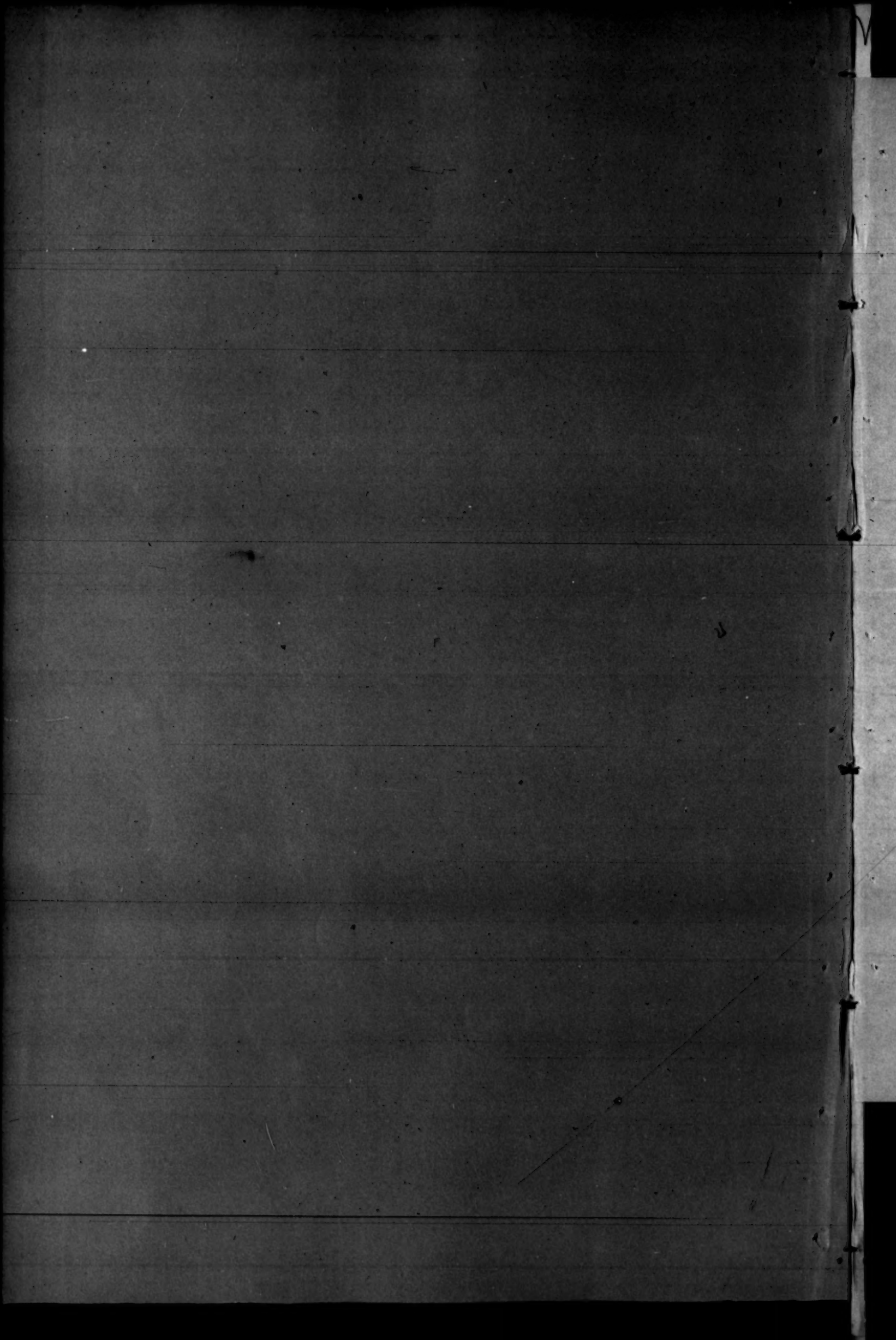
I have the honor to be,

Sir,

Very Respectfully  
Your obedient servant  
John E. Ward







Re 13 June, Mr. Derrick

Legation of the United States

Hongkong 30<sup>th</sup> March 1860.

To the Hon. Lewis Cass  
Secretary of State  
Washington

Sir,

I have the honor to advise you that I have this day drawn on Messrs. Baring Brothers & Co. my bill for £619.16.8 Stg, for salary for the quarter ending this day, being at the rate fixed by the State Department of  $\$4^{\frac{84}{100}}$  per pound Stg.

The rate of Exchange on this day was four shillings and nine pence per dollar, as per annexed certificate.

For the loss of Exchange, which amounts to  $\$390.18$  I have drawn on the Department at 50% in favor of Messrs. Augustine Heard & Co. my bill for  $\$475.98$  which includes the loss by Exchange in Washington now at Eighteen per cent discount to which please give due honor.

I have the honor to be,

Sir,

Your obedient servant

John E. Ward



*[Faint, illegible handwritten text, likely bleed-through from the reverse side of the page. The text is mirrored and difficult to decipher.]*

Hongkong, March 30<sup>th</sup> 1860.

We, the undersigned, do hereby certify that we have this day purchased from His Excellency John C. Ward, Envoy Extraordinary & Minister Plenipotentiary of the United States to China, his draft dated this day for the sum of Four hundred and seventy five dollars and eighty three cents and have paid him therefore the amount of Three hundred and ninety dollars and eighteen cents which is the actual loss on a bill of Exchange on London of £ 619. 16. 8 Sterling at the present rate of Four shillings and nine pence per Mexican Dollar in this place (reckoning the pound @ \$ 4.<sup>84</sup>) that being the net proceeds of said Draft after deducting the present rate of Exchange between this place and New York at this date, of eighteen per cent discount on the dollar upon its face as set forth in the following statement.

Date	Am't of Draft on U.S. currency	Rate of Exchange	Cost of Negotiation	Net Proceeds	Upon whom & on what account drawn
1860 March 30.	\$ 475.83	18% discount	\$ 85.65	390.18	On the Secretary of State for loss by Exchange on London for £ 619. 16. 8.

Augustine Heard & Co.



*[Faint, illegible handwriting covering the top two-thirds of the page, likely bleed-through from the reverse side.]*

<i>[Faint handwriting]</i>	<i>[Faint handwriting]</i>	<i>[Faint handwriting]</i>	<i>[Faint handwriting]</i>	<i>[Faint handwriting]</i>	<i>[Faint handwriting]</i>
<i>[Faint handwriting]</i>	<i>[Faint handwriting]</i>	<i>[Faint handwriting]</i>	<i>[Faint handwriting]</i>	<i>[Faint handwriting]</i>	<i>[Faint handwriting]</i>

*[Faint, illegible handwriting covering the bottom third of the page, likely bleed-through from the reverse side.]*

Legation of the United States  
Hongkong, 30<sup>th</sup> March 1860.

I, the Undersigned, Envoy Extraordinary and  
Minister Plenipotentiary of the United States to  
China, do hereby certify that I have this day sold  
my draft for loss by Exchange, dated 30<sup>th</sup> March  
1860 for \$478.83 to Mess<sup>rs</sup> Augustine Heard & Co, and  
have received therefore \$390.00 the difference between  
which sum and the amount of said draft viz<sup>t</sup>  
\$88.83 being the loss actually and necessarily sus-  
tained by me, in the negotiation or sale of the same,  
and I further certify that the said Mess<sup>rs</sup> Augustine  
Heard & Co who have signed the foregoing certificate  
are merchants residing and doing business at  
Hongkong.

John. E. Ward



Register of the United States  
Department of the Interior

Of the Department of the Interior  
Bureau of Land Management  
Washington, D. C.  
The following is a list of the  
lands owned by the United States  
Department of the Interior  
Bureau of Land Management  
in the State of California  
as of the 1st day of January  
1900. The lands are listed  
by county and section.  
The lands are listed by  
county and section.  
The lands are listed by  
county and section.

Mar. 5. 1900

Re. 25. Mar. Mr Derrick

Legation of the United States--

Hongkong 30<sup>th</sup> March 1860.

To the Hon. Lewis Cass

Secretary of State.

Washington--

Sir,

I have the honor to advise you that I have this day drawn on Mess<sup>rs</sup> Baring Brothers & Co my bill for £ 619. 16. 8. Stg. for Salary for the quarter ending this day, being at the rate fixed by the State Department of \$ 4<sup>84</sup> p pound Stg.

The rate of Exchange on this day was Four shillings and nine pence p dollar, as per annexed Certificate.

For the loss of Exchange which amounts to \$ 390. 18 I have drawn on the Department at 30% in favor of Mess<sup>rs</sup> Augustine Heard & Co my bill for \$ 475. 83 which includes the loss by Exchange on Washington now at Eighteen per cent discount to which please give due honor.

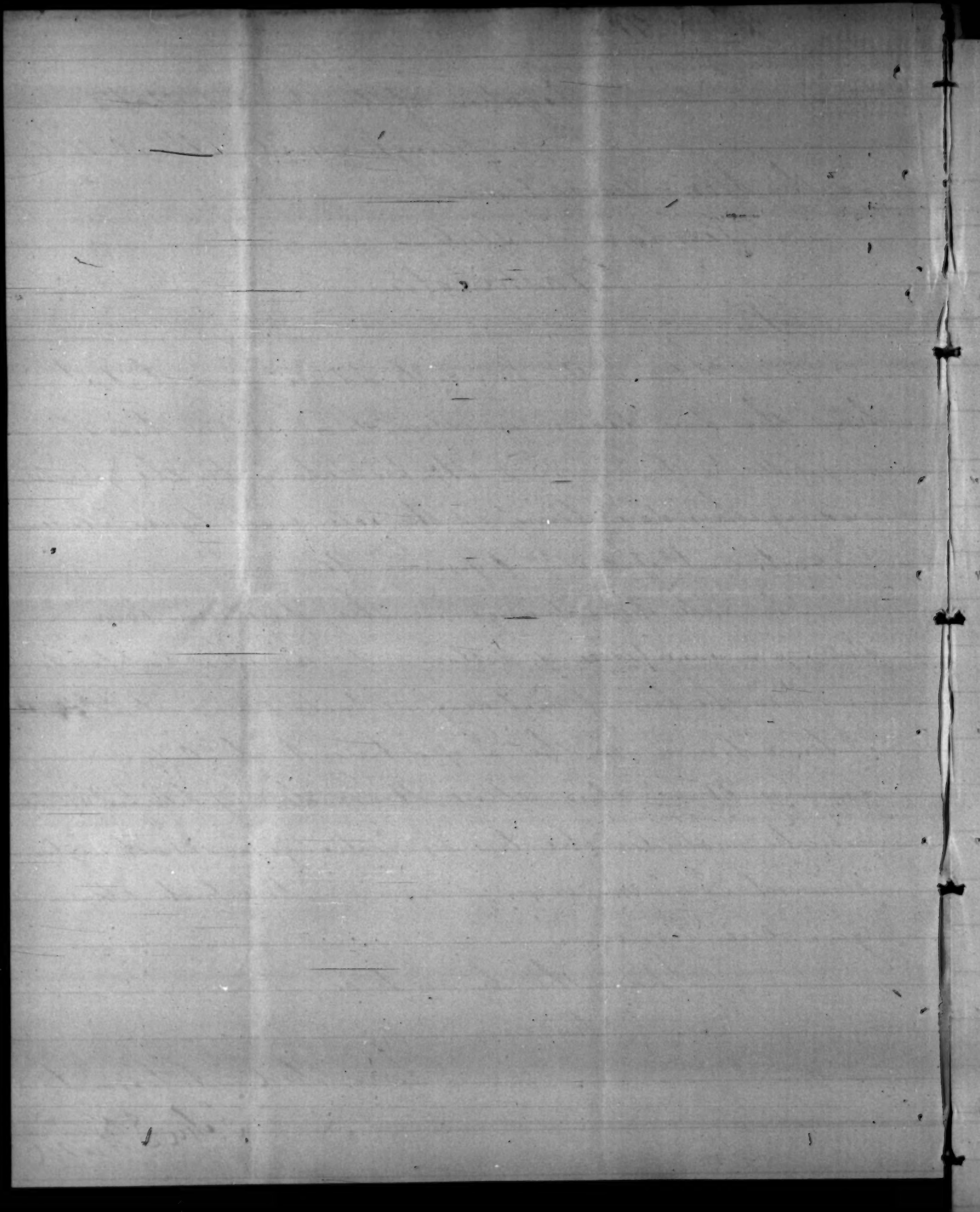
I have the honor to be,

Sir.

Your Obedient Servant.

John E. Ward





Re 13 June. Mr. Derrick

Legation of the United States,  
Hongkong, March 31. 1860

To the Hon. Lewis Cass  
Secretary of State  
Washington.

Sir,

I have the honor to advise you that I have drawn on Messrs Baring Brothers & Co. my bill at 30 days' sight for £258.5.3, dated this day, for the amount of my salary due for the Quarter to this date, being at the rate fixed by the State Department of \$4.84 per pound sterling.

The rate of exchange on the day the Bill was sold was Four Shillings Nine Pence (4.9<sup>d</sup>) per dollar, as per annexed certificate, making it equivalent to \$1,087.42. For the loss by exchange, which amounts to \$206.32 I have drawn on the Department, at 30<sup>ths</sup> in favor of Messrs. Oliphant & Co. of this place, my bill for \$206.32 (which includes the loss by exchange on Washington, now at 18 per cent. discount) as shown by the certificate, to which please give due honor

Your Obedt. Servant

Wm. Williams,  
Chinese Interpreter to U.S. Legation



Legation of the United States,  
Hongkong, March 31. 1860

I, the Undersigned, Chinese Interpreter to the Legation of the United States in China, do hereby certify that I have this day sold my draft for \$43 by exchange, dated March 31. 1860, for \$206.32 to Messrs Oliphant & Co: of this place, and have received therefor \$162.58 the difference between which sum and the amount of said draft, (viz \$43.74) being the loss actually and necessarily sustained by me in the negotiation or sale of the same

And I further certify that the said Messrs Oliphant & Co: who have signed the annexed certificate, are merchants, residing and doing business at Hongkong

Wm. Williams

We, the Undersigned, do hereby certify that we have  
 purchased from S. Wells Williams, Chinese Interpreter  
 to the United States Legation to China, his draft of this  
 date on the Hon. Lewis Cass, Secretary of State, for  
 the sum of Two Hundred Sixty 32/100 Dollars  
 /\$206.32/ and have paid him therefor the sum  
 of 162.58 which is the actual loss on a bill of exchange  
 on London for £258.5.3 calculated at 49 per pound Sterling  
 at the present rate of four shillings & nine pence per  
 dollar, that being the net proceeds of the said draft on  
 the State Department, after deducting the current rate  
 of exchange between this place and New York at this  
 date of Eighteen per cent on the dollar upon its face.  
 as set forth in the following statement:—

Date	Amount of draft in U.S. dollars	Rate of exchange	Cost of negotiation	Net Gross	Upon whom and on what account drawn
March 31. 1860	\$206.32	Eighty Two cents per £	43.74	\$162.58	On Secretary of State for loss by exchange on a draft on London for

Cliffhant & Co

Amt due Dr Williams in China 12511.-

S. G. Bill £258.5.3 @ 4/9 = 11187.42  
 Less cost of negotiation 12.24 = 11175.18  
 Due Dr W. in China 174.82  
 = 187% premi 31.57  
 \$206.32 amt of draft on Washington.



June 2nd 1884

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1884	1884	1884	1884	1884	1884

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V  
Recy Recd 13 June.

Official No 7-

United States Legation.

Hongkong, April 14<sup>th</sup> 1860.

Sir,

I have the honor to inform you that I have just returned from Swatow, the newly opened Port.

There had been at this Port some disturbance among the Chinese themselves arising from an effort on the part of the petty Mandarin to extort a tax on rice; every thing, however, had become quiet and trade seemed to be increasing at that Port.

The Consul, Mr Bradley, complained to me of the want of a Chinese Official of sufficient rank to correspond with him, and to preserve order among the Chinese themselves - there is no officer now nearer than Chan Chan - a distance of thirty miles - and although this town is also opened by the Treaty, it is impossible for foreign ships to

Hon<sup>ble</sup> Lewis Cass

Secretary of State of the United States.



to reach it and the Consul, therefore,  
must reside at Swatow or Double Island,  
I have, therefore, addressed a Commu-  
- nication to Lai, the Governor General  
of Kwangtung and Kwangsi, requesting  
the immediate appointment of a  
proper Officer to reside at Swatow (Enclosure a)

I have also received a Commu-  
- nication from Ho (the Imperial Com-  
- missioner) informing me of the  
appointment of Lie to assist him in  
the management of Foreign Affairs  
a Copy of which Communication with  
my reply I herewith send (Enclosures 1. 2.)

The answer of the Chinese  
Government to the Ultimatum of the  
English and French has just been received  
and I have been enabled, from an authentic  
source, to learn its contents.

The Great Council express great  
astonishment at the Communication and  
the whole question of Mr. Bruce's refusal  
to see the Commissioners at Shanghai and  
his conduct at the Peiho is reviewed.

In relation to the demand for  
Indemnity,

Indemnity, it is alleged that China has been compelled to expend many millions in reconstructing the forts at Taku and that England, therefore, should be called upon to pay them.

In relation to the arrangement of the Treaty it is said that it was definitely settled with Lord Elgin, that the Minister should either select some other place of residence or visit the Capital on important business - the proposition of revoking this compromise, they say, is now more unreasonable than all other arrangements proposed.

It is further stated that after the exchange of the American Treaty and the opening of the Ports of Swatow and Tsywan, Mr Bruce earnestly petitioned to obtain the same privileges for British subjects, and that the Emperor, in tender consideration of all foreigners, granted the prayer and the intimation is given that these privileges will be withdrawn if Mr Bruce continues his present course of action.

In



In relation to Mr Bruce's request to be treated with courtesy, he is informed that if he will come to the Pukho with one vessel, matters may be compromised and when both parties are entirely satisfied if he, Mr Bruce, will wait at Pehatang to exchange the Treaty, China will not take him to task for what has gone by, and he must then acquaint himself with the Rules laid down at the Exchange of the American Treaty, but if he goes up with a large force, the High Officer in Charge of the Coast will be directed to take such steps as may be necessary.

The Dispatch of the British Minister is said to be too extravagant and insubordinate for the Council further to discuss its propositions and he is told for the future he must not be so wanting in decorum.

The above remarks are to be communicated by Ho (the Imperial Commissioner) to the British Minister whom it will behave not to adhere  
obstinately

obstinately to his opinion and, so doing it will give cause for much trouble hereafter.

I have not seen the reply to the French but learn from good authority, that it is still less courteous, they are asked what business they have with these troubles and are told they were not asked to bring an army to China.

It is evidently the determination of this Government, and has been since the making of the Treaty, to resist by every means in their power the four objectionable clauses in the English Treaty.

First—The right of permanent residence at Peking.

Second—The right of Foreigners to go to the interior of China.

Third—The navigation of the Yang-tze.

Fourth—The transit Dues.

The three last they would yield to obtain the abandonment of the



first, but as the English are not  
prepared for this, the war seems  
inevitable and the final result I  
cannot venture to predict.

I have the honor to be,

Sir,

Your obedient servant.

John E. Ward

Dispatch - N<sup>o</sup> 7 - April 14<sup>th</sup> 1860 -  
Enclosed A

Copy

United States Legation  
Macao - April 10<sup>th</sup> 1860 -

The Undersigned has the honor to inform Your Excellency that in compliance with his promise he has visited the Port of Swatow, and given to the American Consul at that Port the most positive Instructions that all the rules and regulations recently promulgated by Your Excellency, in relation to the shipment of Coolies, shall be strictly observed by all the American Ships and Merchants trading at that Port.

The American Consul has made Complaint that there is no Officer of the Chinese Government located at Swatow with whom he can confer, that the Tarentai of Chau Chau has, up to this time, appointed no Deputy and designated no one to reside at Swatow - there to confer with the American Consul as occasion may require, that Chau Chau is so far distant from Swatow, that great



embarrassment often arises in enforcing Trade Regulations and that serious inconvenience is experienced by all Americans trading at that Port for the want of some Officer at Swatow of sufficient rank to confer with the Consul and to see that the rights of both Americans and Chinese are properly observed and protected.

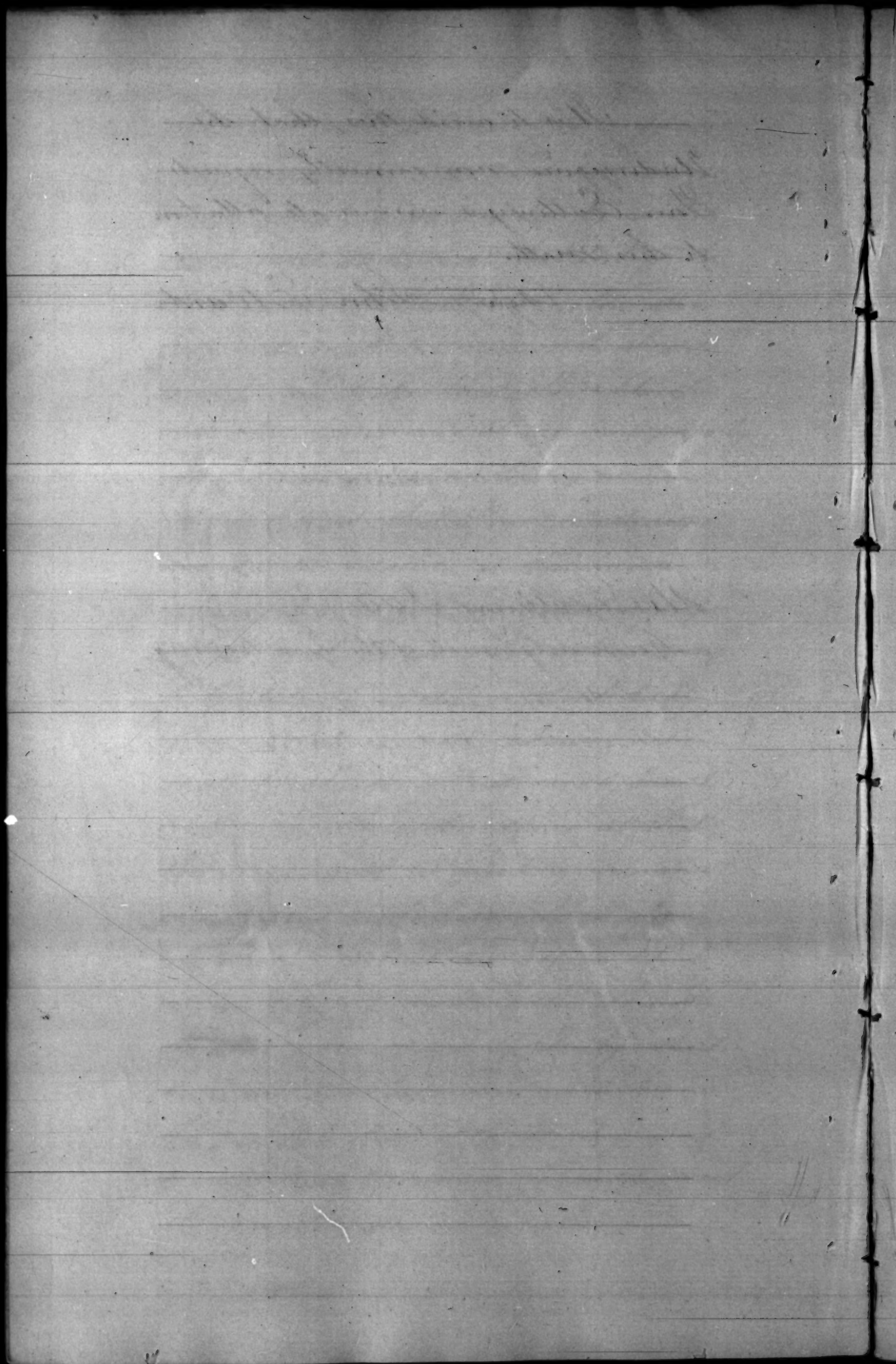
I trust that Your Excellency will see the necessity of applying a remedy to this evil, and that a proper Officer, with proper Instructions may be located at Swatow without delay. Your Excellency will, at once, see that the absence of such an Officer to Control and Regulate Affairs at that Port may result in great inconvenience and serious embarrassment. If, from the absence of such an Officer, American Citizens, visiting the Port of Swatow - now opened by Treaty - should be insulted or injured, it would become the painful duty of the Undersigned to adopt such measures as would prevent their repetition.

It is to avoid this, that the  
Undersigned now earnestly requests  
Your Excellency's immediate attention  
to this matter. —

(Signed) John E. Ward

His Excellency Lian  
Governor General of the Two Kiang,  
sc sc sc





Ho, High Imperial Commissioner  
of the Great Dynasty of Tsing, general  
Superintendent of Commerce at the Ports  
opened to trade, great & protector (guardian)  
of the Amia, a President of the board of  
War, and Governor General of two Kiang  
Provinces, sends this Official Commu-  
- nication -

On the 10<sup>th</sup> Year of Hien fong  
3<sup>rd</sup> moon, and 8<sup>th</sup> day (March 26<sup>th</sup>)  
I, the Commissioner, received from the  
board of Civil office a dispatch announ-  
- cing the receipt of an Imperial Decree,  
by which the Treasurer of Kiang-ning  
district (in the province of Kiang soo /  
surnamed 'Lii', has been favored with  
the title of Lieutenant Governor and  
appointed to assist in the management  
of affairs at the five ports opened to trade. -

In consequence thereof I, the  
Commissioner, besides writing about  
it to all persons concerned, send now  
to the North Minister this official  
Communication for his Cognizance.  
A Special Communication

The above Communication is



sent to Hoa (His Excellency Ward)  
by Supreme Appointment of the Great  
United States of America, Envoy  
Extraordinary and Minister Pleni-  
potentiary in China

Hienfong 10<sup>th</sup> year 3<sup>rd</sup> moon  
7<sup>th</sup> day (March 28<sup>th</sup> 1860.)

True translation  
(Signed) J. M. Marques -

Despatch N<sup>o</sup> 7 - Endorse 2<sup>6</sup>  
April 14<sup>th</sup> 1860 -

Legation of the United States -  
April 13<sup>th</sup> 1860 -

The Undersigned has the honor  
to acknowledge the receipt of Your  
Excellency's Communication of the 28<sup>th</sup>  
of March last, informing him of the  
appointment of Sie, and begs to present  
his congratulations. -

John. E. Ward

His Excellency Ho  
High Imperial Commissioner and  
Governor General of the Two Kiang  
to to to to





Re 21 June, Mr. Dornik

Official No. 8. Legation of the United States  
Hongkong, April 24<sup>th</sup> 1866.

Sir,

I have the honor to  
acknowledge the receipt of all Dispatches  
to No. 8 inclusive, and I beg again to  
express my most grateful acknowledgments  
to the President and yourself for the  
kindness with which you have viewed  
my Gune in China.

In Dispatch No. 7 I received a  
communication addressed to Lai, the  
Governor General of the two Provinces, in  
relation to the appointment of a proper  
officer at Swatow to confer with our  
Consul at that Port. I have the honor  
herewith, to enclose his reply by which  
you will see that my request has been  
complied with.

Mr. Governor, the newly appointed  
Consul for Foo Chow has arrived and

Honorable Lewis Cass

Secretary of State of the United States



assumed the duties of his Office.

Constant applications are now being made by Consuls at different Ports for protection by the presence of a man of war - I deeply regret that it is impossible for the Flag Officer to comply with any of these requests, as my own opinion is that we might be saved from serious difficulties & complications by the presence of a sufficient force at the different Ports to afford protection to our Citizens & their property. The Chinese authorities certainly regard us as friends, but in the event of a mob or an outbreak at any of the Ports, no distinction would be made between Americans & others - the presence, therefore, of a vessel of war at such time would doubtless operate as a preventative to violence and save the Government the necessity of hereafter demanding redress for injuries inflicted and wrongs sustained. More apprehension is felt for Foochow than for any other Port, & as our Citizens have large interests there, it is my intention in a short time to leave in the "Hartford".

for that place, and to make the "Hartford"  
(with the consent of Commodore Stirling)  
my home that I may at the earliest moment  
be at such points in China as may most  
demand my presence. I think it also  
important that I should be with the  
Flag Officer of the Station that we may act  
in unity upon the complicated questions  
that are likely to arise out of the present  
condition of things.

I have not believed until recently  
that there was any prospect of a general  
war being declared by England & France &  
a consequent blockade of all the Ports, but  
since my last Dispatch which commu-  
nicated to you the reply of the Chinese  
Government to the Ultimatum of England  
& France, a Council of War has been held at  
Shanghai composed of the Ministers of  
France and England - the French General  
Montauban, the French Admiral Charner,  
Sir Hope Grant, the Commander in Chief of  
the English Forces and Admiral Jones of the  
English Navy (Admiral Hope being in Hongkong)  
At this Meeting Instructions were read  
from the English Government to the effect that



Should the Ultimatum be refused, the Queen  
ordered War to be immediately declared and  
all the Ports Blockaded - The Meeting was  
a stormy one & protracted for six hours in  
discussing their future course - The English  
insisting upon War and Blockade and as  
strange to say the French opposing either -  
Mr. Palmerston finally took the responsibility  
of disobeying the Instructions upon the  
ground that the Condition of things here  
was not understood at home, but as  
Lord Elgin is expected in the next steamer  
and will supersede him - it is more than  
probable that he comes to carry out those  
Instructions - It is certainly an unexpected  
Condition of things that the English should  
be seeking to stop all Trade and the French  
acting in opposition to this policy -

The reverse was to have been anticipated.  
Yet, England is now for the most violent  
measures, France for moderation.

I have the honor to be

Sir, Very Respectfully -

Your Obedient Servant

John E. Ward

Lao, decorated by the Great Ta Tsung  
Dynasty with the insignia of the  
first rank, a president of the Board  
of War, Right censor of the Board of  
Censors, and Governor General of two  
Kwang provinces, sends this official  
Communication in reply.

I received Your Excellency's  
Communication stating that there was  
at Swatow no Chinese officer, and  
consequently desiring me to appoint  
a proper one to be located at the said  
place, with whom the Consul may  
confer and regulate affairs, in order  
that the rights of the two nations  
may be preserved and protected, &c &c.  
and I made myself fully acquainted  
with the contents thereof.

The Magistrate of Ling-Shuei  
district, surnamed Yu, has been before  
appointed by me, the Viceroy, to proceed  
to Swatow and to attend conjointly with  
Mr. Lay, the Superintendent of Customs,  
all the affairs of the said port since it  
became opened to general trade, as well  
as to confer with the American Consul



But as the said Magistrate and his  
Colleague have been obliged to run  
between Ma-siu, Swatow & other  
places to search and examine, so they  
could not be constantly located at  
Swatow — Now on the reception of  
Your Excellency's Communication, I  
sent again a letter to the Tactae of  
Chai-chau and enjoined him to  
appoint besides from this place a  
proper officer to proceed to Swatow  
in order to be located there, and  
conjointly to confer with the Consul  
and treat the affairs — In consequence  
thereof I send this answer wishing  
at the same time all happiness —

A special Communication;

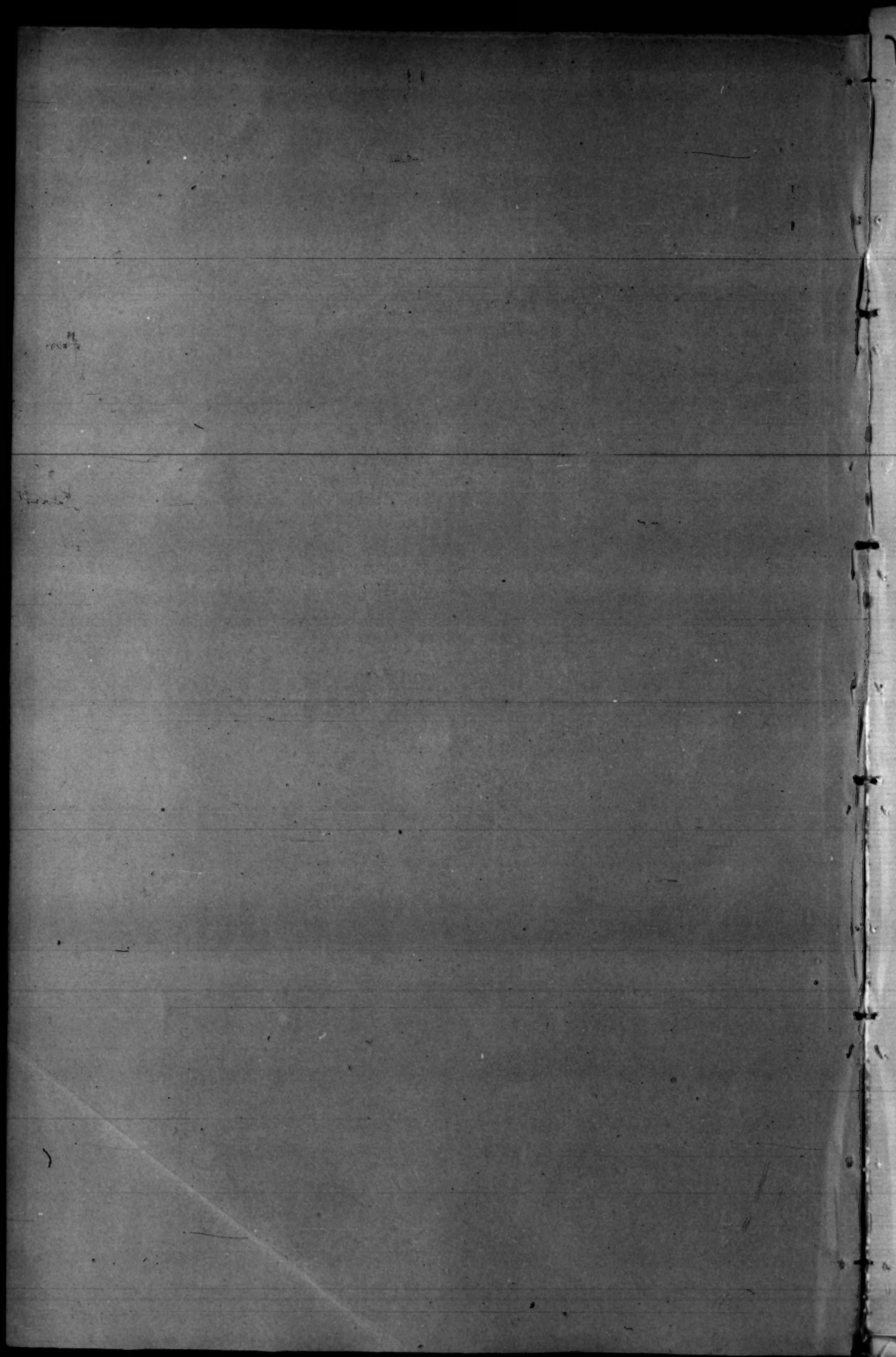
The above communication is  
sent to Hwa (the Excellency Ward)  
by Supreme appointment of the Great  
United States of America, Envoy  
Extraordinary & Minister Plenipotentiary  
resident in China —

Hien-fung 10<sup>th</sup> Year — 3<sup>rd</sup> Moon — 18<sup>th</sup> Day  
(April 15 1860)

True Translation (signed) J. M. Marques. —







V  
Recd 28. July. Mr. Derick  
official W<sup>g</sup> Legation of the United States  
Hong Kong May 9<sup>th</sup> 1860

Sir,

I have the honor to acknowledge  
the receipt of instructions No 14  
with the enclosure. Despatch No  
15 has also been received.

I will leave this place for Shanghai  
on the 18<sup>th</sup> Inst in the "Hartford" and  
will endeavour to reach the Peiho  
as soon as possible, but there is now  
no vessel in which I could go but  
the "Hartford" and Commodore  
Stribling informs me that he has  
received no instructions upon this  
subject.

I have the honor to be,  
Sir,

Very Respectfully  
Your obedient servant

John. E. Ward

Hon Lewis Cass  
Secretary of State





V  
Recd 28. July. Mr. Derrick

official c<sup>o</sup> 10 Legation of the United States  
Hong Kong May 15<sup>th</sup> 1860

Sir,

I have the honor to inform  
you that my attention having been  
called to a recent debate in Parli-  
ament in which Lord Palmerston  
was pleased to allude to my Journey  
to Peking, repeating the French  
inventions which have been  
so often contradicted, with  
comments of his own, as false  
as the original story.

I have addressed to Sir  
Michael Seymour a commu-  
nication a copy of which  
I herewith enclose.

I would be glad if con-  
sistent with your views  
to have this dispatch with

Hon Lewis Cass  
Secretary of State  
of the United States



the enclosed letters published  
in the United States.

I have the honor to be

Sir,

very respectfully

Your obt. Servant

John E. Ward

SHANGHAI, Nov. 11th, 1859.

To His Excellency

The Hon'ble JOHN E. WARD,  
Envoy Extraordinary and  
Minister Plenipotentiary of the  
United States of America.

SIR,—Prior to your Excellency's departure, we the undersigned, American merchants and residents at Shanghai, are desirous of expressing and placing on record our sincere appreciation of the exertions of your Excellency in the ratification of our Treaty, and the establishment of our new political relations with China.

We are aware of the difficulties which have arisen, and the obstacles against which you have had to contend, and we can therefore with the more heartiness congratulate you on the successful termination of this portion of your labors.

And further, as we review the few months which have elapsed since your Excellency's first arrival, and the momentous events which have transpired, the difficult and delicate positions in which you have been placed, both in relation to the Powers of this country, and those of civilized nations, we feel great pleasure in respectfully assuring you of our unanimous and cordial support and approval.

Beginning with your first conference with the Imperial Commissioners at Shanghai, down to the present moment when our Treaty is about to enter into actual operation, there is no act, no opinion of your Excellency, which does not command the assent of your countrymen.

1859.]

More particularly are we glad to express our profound appreciation of the course your Excellency pursued at the North, and while we do justice to the moderation which ruled your councils, we bear willing witness to the energy and ability which guided them to a successful issue.

Your desire to co-operate with your colleagues of England and France, in the common interests of all, indicates the justice and soundness of your policy; while the independent course pursued by you, under the pressure of subsequent events, we feel was the only one consistent with the dignity of our Government.

We fully appreciate the motives which induced your Excellency to give your support to the generous assistance afforded by Commodore Tattnall to the English and French forces after the disastrous action of Taku, and cannot refrain from here expressing our admiration of that officer's gallantry.

Your Excellency's visit to Peking, and the able and energetic manner in which you there supported the dignity of our country, the successful ratification of our Treaty, and its speedy promulgation, are events honorable alike to yourself, and to us as your countrymen.

We are pleased to understand that the present anomalous and unsatisfactory state of the Imperial Customs has attracted your Excellency's attention, and that it is your purpose to insist upon such alteration in their constitution as shall prevent any infringement of our Treaty rights by their regulations. We deem this a matter of signal importance, but feel confident that it will with other complicated negotiations, which remain for you to conduct, receive at your hands most able and judicious management. With our best wishes.

We have the honor to be,

Your Excellency's most obedient Servants,

(Signed), Augustine Heard & Co., Wetmore, Williams & Co., Russell & Co., Isaac M. Bull & Co., Olyphant & Co., H. Fogg & Co., Frazar & Co., John H. Everett, Wm. Radcott, F. W. Cheney, Abraham Howard, E. C. Bridgman, M. S. Culbertson, Cleveland Smith, Chas. R. Mills, Henry Blodget, J. L. Holmes, J. W. Lambuth, W. G. E. Cunningham, B. Jenkins, J. B. Hartwell, Geo. W. Fish.

SHANGHAI, 12th November, 1859.

GENTLEMEN,—On the eve of my departure from Shanghai your kind favor of the 11th inst., has been placed in my hands.

It is difficult, indeed impossible, for you fully to appreciate the inestimable value to me of such an approval of my conduct from my fellow-citizens, who have been witnesses of the recent transactions in China.

If my arduous and responsible labours had been tenfold multiplied, your kind approval, so flatteringly expressed, would much more than have repaid me.

In behalf of my absent friend Commodore Tattnall, I beg to thank you for your allusion to his gallantry, by which our navy and country have been honored. None of you, Gentlemen, can truly understand the painfully trying position in which he was suddenly and unexpectedly placed;—to do this you must have been eye witnesses.

Of the past, you have kindly spoken; of the future, I may not speak, except to assure you that, whilst I have the honor of representing our country, American interests will be watched by me with the most jealous care, and the rights of every American citizen maintained to the full extent of my ability.

I leave Shanghai with the most pleasant recollections of the many social hours which it has been my privilege to enjoy with you, and of your unbounded hospitality, of which I have been the constant recipient.

I am,

Gentlemen,

Most gratefully and truly

Your friend and fellow-citizen,

(Signed) JOHN E. WARD.

To Messrs. AUGUSTINE HEARD & Co.,  
&c., &c., &c.

SHANGHAI RACES.

Will Mr. Ward  
No. 10, of 15th  
May, 1860. Th

Will Mr. Ward  
No. 10, of 15th May, '60





Legation of the United States  
Hong Kong May 15th 1860

My Dear Sir,

Although I have not the pleasure of a personal acquaintance with you, I am sure you will understand and appreciate the feelings which prompt an expression of grateful acknowledgment for the kind word spoken in reply to the wanton attack of Lord Palmerston in the House of Commons on the Fifteenth of March.

That this eminent Statesman in support of his policy should descend so low as to Calumniate me by repeating in the British Parliament the falsehoods and scandals of the Paris Press of a character so gross that they never could have been believed, is to me a matter of infinite surprise and I may add of regret as convincing disrespect



not only for myself but for the Nation  
that I represent.

It is a matter of history authenticated  
by the concurrent testimony of those  
who were with me and who alone could  
speak on the subject and now well  
known to that portion of the public  
willing to be rightly informed, that  
I was treated throughout my journey  
with high consideration and respect,  
with unceasing attention and courtesy.  
The carriages furnished for me were  
the same as are used by the Prime  
Minister and high dignitaries of China  
in their journeys over the plains and  
are the best adapted to the circumstances,  
which they possess; whilst saddle  
horses were placed at my disposal  
and choice.

That I did not finally see the  
Emperor was not because of the  
unwillingness of his Majesty or his  
Ministers but for reasons which  
have I believe been approved by the  
public in general, certainly by my  
own Government.

3

Your acquaintance with the American Character and with many Citizens of the United States now resident in China, will enable you to appreciate the opinion which they would form and would not fail to express of any American Minister who willingly or unwillingly, submitted in silence to any indignity whatever from the Chinese Nation.

After my return from Peking the incidents of the Journey were naturally made known most minutely by my associates, and with this full knowledge of the subject my Countrymen in China volunteered the expression of their opinion in the form of a letter publicly addressed to me, a copy of which I take the liberty to enclose herewith, and I beg you to make any use of the letter or of my observations to you which you may think proper.

Your own experience in China distinguished and successful as it has been, cannot fail to have

(



impressed you with the difficult  
nature of public affairs in this  
Country, and you will readily per-  
ceive that however indifferent  
I might be to the Calumnies of an  
irresponsible press, I cannot regard  
with unconcern the repetition of  
those falsehoods from an eminence  
which spreads its voice to the world.

Again thanking you my dear Sir  
for the kindness of your observations  
and the chivalric spirit which  
led you to speak in behalf of an  
absent Stranger.

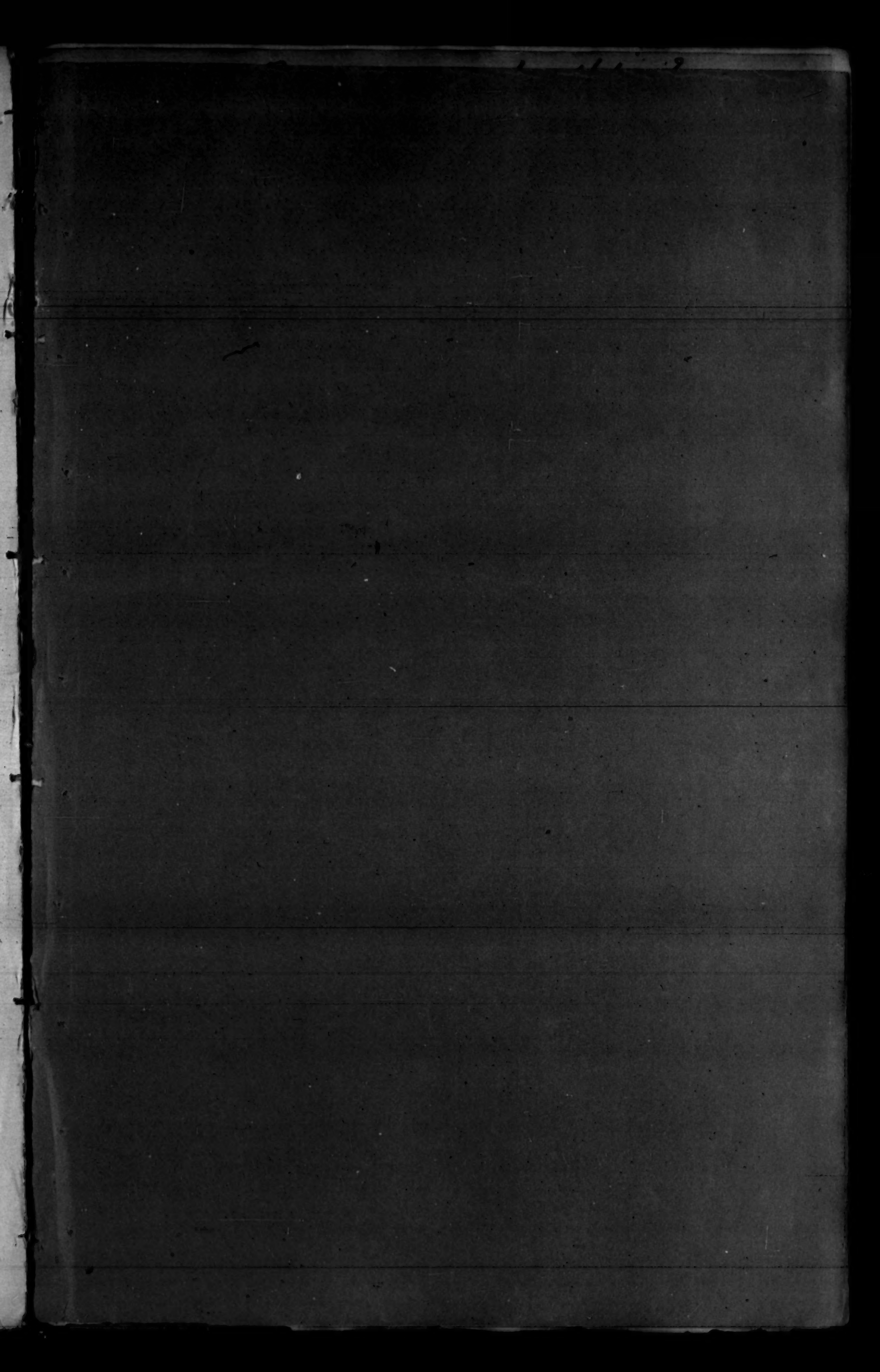
I remain very truly  
and with great esteem

Your obt. Servant.

John. R. Ward

Dear Admiral

Sir Michael Seymour GCB  
London.







W  
Re. 20 Aug. Mr Abner?  
Official N<sup>o</sup> 11 Legation of the United States  
Shanghai May 29 1860

Have Sir,

I have the honor to inform  
you, that having received  
information from Messrs Cyphent  
& Co, the collectors of money on  
the debentures issued by the  
Collector of Customs in payment  
of the American claims, that  
the receipts from the Canton  
Custom House had been so  
small, that they were induced  
to inquire into the cause: and  
upon ascertaining that no  
portion of the receipts from  
Steamboats or goods carried  
therein were allowed to the  
American claim, the Consul  
at their suggestion had made  
application for payment thereof  
which had been refused, I could  
not

Hon Lewis Cass  
Secretary of State



not permit such a gross violation  
of the Treaty, and therefore addressed  
a letter to Mr. Perry, a copy of  
which, I herewith enclose. In  
a few days after its receipt  
by Mr. Perry a full account  
was rendered of all receipts  
from American Steamers, or  
goods shipped in them, and  
one fifth thereof amounting  
to about twenty nine thousand  
dollars was paid to the receiver.

I presume there will  
be no further trouble upon  
this Subject.

I have the honor to be  
Sir

Your obt Servant  
John. E. Ward







United States Legation  
Hong Kong April 30 1860

Sir

I have just learned with much surprise that the treaty requiring one fifth of all duties on American Ships or goods in American Ships to be appropriated to the payment of American claims is not complied with at Canton by the failure of the Collector of Customs at that Port to account for the tonnage, export, and import duties on American Steamboats and goods in American Steamboats as there can be no doubt under the provisions of the treaty that our citizens are as much entitled to this, as to the duties payable on any other class of vessels.

You will please see the Happs immediately upon this subject and require a full account of  
To Oliver H Perry Esq  
United States Consul  
Canton.



one fifth of all tonage import  
and export duties which have  
been paid on American Steamers  
or goods shipped in American  
Steamers, and a strict Compli-  
ance with the treaty hereafter.  
Should the Hoppo refuse or  
neglect to comply with this  
demand you will then inform  
the Governor General that you  
will be required by me to retain  
all tonage import and export  
duties payable on American Ships  
and goods shipped in American  
Vessels at the port of Canton  
untill the Collector of the Customs  
at that port shall comply  
with the provisions of the treaty  
by allowing for the satisfaction  
of claims of American Citizens  
one fifth of the tonage export  
and import duties on American  
Steamboats and goods shipped in  
American Steamboats as in all  
Cases of other American Vessels.  
As I should regret to be compelled

to resort to such a measure, you  
may furnish the Hopps with a  
copy of this dispatch and the  
Governor General also if necessary,  
but you will please act with  
promptness in the matter, as  
I cannot permit such an act  
of injustice to our Citizens any  
longer to be continued.

very respectfully,  
Yr. obt. Servant

John. E. Ward





V

Re 20. Aug. Mr Derrick  
Official No 12

Legation of the United States  
Shanghai May 29<sup>th</sup> 1860

Sir,

I have the honor to inform you  
that on the seventh inst. I received  
from General Smith, Consul of the  
United States at this port, a  
communication, with certain  
enclosures, copies of which are  
herewith sent, marked 1<sup>n</sup>. 2<sup>n</sup>. 3<sup>n</sup>.  
4<sup>n</sup>. 5<sup>n</sup>. 6<sup>n</sup>. in relation to the  
application of Messrs. Wetmore  
Williams & Co. to re-export a  
quantity of rice, which had been  
landed in Shanghai. With  
every disposition on my part  
to render all the aid in my  
power to American merchants,  
the provision of the Treaty

Remained

Hon. Lewis Cass  
Secretary of State



seemed to me to plain to admit of  
any doubt, and therefore, informed  
General Smith that the case did  
not call for any official action  
on my part, a copy of which  
dispatch is herewith enclosed  
(enclosure 7<sup>th</sup>)

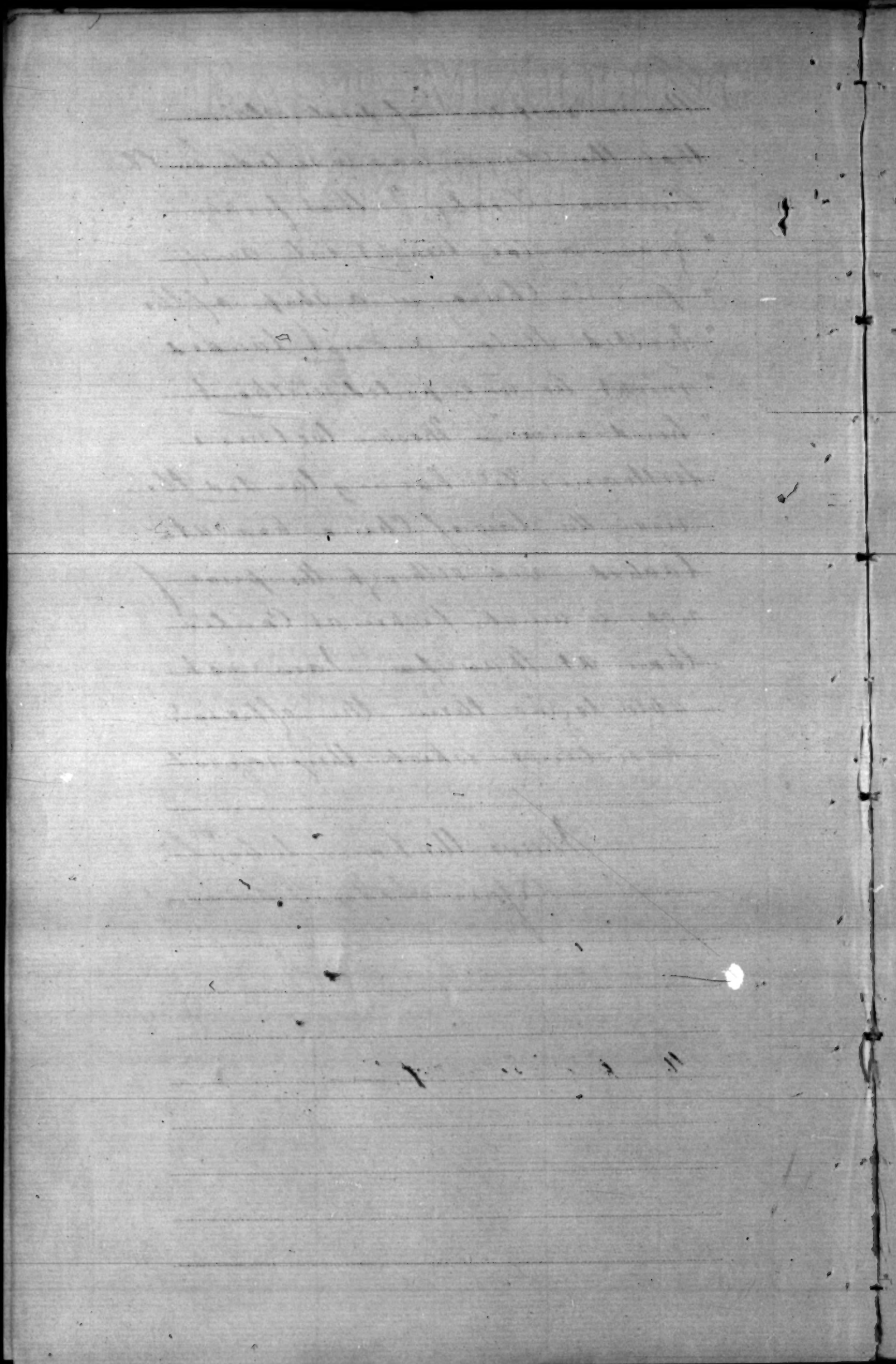
Since my arrival in Shanghai,  
I have received a communication  
from Messrs Wetmore Williams & Co.  
to which I have replied, (Enclosures  
1.<sup>B</sup> 2.<sup>B</sup>). There is no doubt that a law  
has long existed in China, for-  
bidding the re-exportation of  
foreign grain or rice, when once  
imported into the country.

At this very port a serious  
difficulty occurred under the old  
Treaty, from an effort to send  
away a quantity of rice, brought  
into port in an American ship,  
and not landed, the Chinese  
Authorities contending that their  
law, even in that case, attached  
to the cargo. It was to prevent  
the

the re-assertion of such claims  
that the clause was inserted in the  
American Treaty—"that foreign  
" grain or rice brought into any  
" port in China in a ship of the  
" United States, and not landed  
" might be re-exported without  
" hindrance"—Messrs Wetmore  
Williams & Co having landed their  
rice, the law of China has at-  
tached, and although the price of  
rice is much higher at Canton  
than at Shanghai. I am not  
able to give them the official  
assistance which they request.

I have the honor to be, Sir  
Your obedient servant,  
John E. Ward





1<sup>st</sup>

United States Consulate  
Shanghai April 28<sup>th</sup> 1860

Sir,

- I have the honor to inform you that the vessel received from Wetmore, Williams & Co American Merchants at this port a communication (a copy whereof I herewith enclose you, No 1 - requesting a permit from the Chinese authorities to re-export 20,000 piculs of rice from this port to another Chinese port. I enclosed the same to the Tontai (superintendent of Customs), and requested him to permit them to do so. He declined to accede to their request. I enclose you a copy of his reply (No 2)
- 2 On the receipt of this reply I handed a copy of it to Wetmore Williams & Co and expressed to them that in my judgment they had no right to re-export the rice.
- His Excellency John E. Ward  
U S Minister  
V C V C V C



the rice, because having been landed, there was no provision in the Treaty authorizing its re-export and because the Superintendent of Customs declined to grant permission.

- On the 20<sup>th</sup> inst I received from Wetmore Williams & Co another Communication on the subject a copy whereof I enclose you, N<sup>o</sup> 3. I enclose the same to the Tontai accompanied by another Communication from myself, a copy whereof I enclose you, N<sup>o</sup> 4. and the Tontai again refused to give permission to re-export the rice and gave his reasons. I enclose you a copy of his reply N<sup>o</sup> 5. and I have handed to Wetmore Williams & Co a copy of the same. The Tontai still refuses to grant permission to re-export the rice.
- You will perceive that Wetmore Williams & Co claim that it is a local law which prohibits

the re-exportation of the rice, if any and that Article 15 refers to laws which operate alike all over the Empire.

I think it proper to lay this Case before you for your action with the Imperial Commissioner for Foreign Affairs, and through him to have justice done in the premises.

If the Authorities at this Port are required by the Treaty to grant the permission to re-export the Rice, then, I suppose it is competent for the Imperial Commissioner who is also the Governor General of this Province, and his duty, to order them to do so and see that it is done.

As I understand it, the laws of the Empire are made by the edicts of the Emperor and of the Governor General and Governors of the several Provinces.

The Governors act under the



under the authority of the  
Emperor: and hence some  
of the laws may be different  
in different Provinces and yet  
be laws of the Empire. In other  
words, like the laws of our own  
Country, the laws of the empire  
may be general or local in their  
application, and yet be none  
the less "laws of the Empire"

But if you and the Governor  
General should determine, yet  
in this case perhaps the Governor  
General: for the reasons assigned  
by Metmore, Williams & Co.,  
would upon your application  
permit the rice to be re-exported  
and so order the Intendant of  
Circuit at this Port:

I lay the case before you for  
your action in the premises.

I have the honor to be

Sir

Your obt Servant

(Signed) W. L. G. Smith,

U.S. Consul.

2<sup>nd</sup>

Shanghai 16<sup>th</sup> April 1860

Sir,

We beg to inform you that in consequence of the stoppage of the Import trade at this place, arising from the disturbed state of the Country, and the active preparations for hostilities being made, on the part of the English and French against the Chinese, we have a large quantity of Mer-  
-chandise on hand which is quite unsaleable and among other articles, some 20,000 piculs of Rice imported by us which the Custom House authorities refuse to allow us to re-export. We are thus subjected to a con-  
tain heavy, and perhaps a total loss here, whilst if we are allowed to re-export it to another Chinese port we would be sure to realize a profit. As the present state  
W. L. G. Smith Esq  
United States Consul  
Shanghai.



of trade arises through the fault  
or misfortune of the Chinese Gov-  
ernment, and from Circumstances  
over which we have no Control,  
we contend that we should not  
be sufferers thereby; and Cert-  
ainly when the Imperial Government  
can afford relief without prejudice  
to its existing Customs, for we are  
ready to furnish a satisfactory  
bond to shew that the said Rice  
has been landed at another  
Chinese port within a reasonable  
time.

We therefore claim the right  
to save ourselves from impending  
loss and beg to request that you will  
take the necessary steps for obtaining  
permission from the Chinese authorities  
to re-export the Rice above named.

We are Sir

Respectfully

Your obedt. Servants

(signed) Wm. More, William & Co

113<sup>11</sup>

From Hoo Intendant of So Song  
and Tai Circuit & C & C.

I have just received your  
Ex: letter enclosing a request  
made by Messrs Wetmore, Will-  
iams & Co to re-export 20,000  
piculs of Rice to another Chinese  
port on account of its being un-  
saleable here except at a heavy  
loss, and their willingness to give  
a satisfactory bond that said  
Rice is landed at another port  
in China & C & C.

On examination I find that  
foreign grain (Rice) included  
on being imported comes according  
to our laws under the same Rules  
as grain grown in our own  
Country and are not subject  
to duty. The former Taotai Sir  
decided that Rice imported  
and not landed from the  
vessel in which it was impor-  
ted might be re-exported  
which is rather stretching the law  
a little in favor of the Merchants.



Now in regard to Messrs Wetmore  
Williams & Co re-exporting  
20,000 piculs of Rice it is in  
direct opposition to our laws,  
also to all former Regulations, and  
in relation "to their giving a bond  
that the Rice would be landed  
at a Chinese port" after the ship  
had once left this port I could  
not Compel the Ship to go to another  
port in China -

I have to request your Exc: to  
inform Messrs Wetmore Williams  
& Co of the Contents of this letter, I  
cannot accede to their request.

May the days happiness be yours  
W. L. G. Smith Esq  
US Consul

10<sup>th</sup> Year 3<sup>rd</sup> month 27<sup>th</sup> day - 17<sup>th</sup> April 1860

CP 34<sup>th</sup>

Shanghai April 19<sup>th</sup> 1860

Sirs,

We are in receipt of your letter of yesterday's date, in reply to ours of the 16<sup>th</sup> inst. Handing us Copy of a communication from the Taoutai in answer to our request for permission to re-export certain Rice imported by us.

Thanking you for your prompt attention to our application we would not trouble you with the following additional Considerations which we have to urge in its behalf. Though it is provided by the Treaty Tientsin in Article 21<sup>st</sup>, that "foreign grain or Rice brought into any port of China in a Ship of the United States and not landed may be reexported without hindrance," we do not see that because the treaty is silent as to the question of re-exportation after such Rice

W. L. Smith Esq  
US Consul  
+c +c +c  
Shanghai



may be landed, that we are  
thereby deprived of all right  
to re-export under any Circumstances,  
that may arise, the same treaty  
provides in Article 15 that "at such  
of the ports open to Commerce Citizens  
of the United States shall be  
permitted to import from abroad  
and sell, purchase, and export  
all merchandize of which the  
importation or exportation is not  
prohibited by the laws of the  
Empire." Now we assert that  
there is no Imperial law, that  
there is no "law of the Empire"  
prohibiting the exportation of  
Rice from any port in China,  
that it is a mere dictum of the  
local authorities which has  
hitherto prevented the export of  
Rice from this port with as much  
freedom as any other article of  
Merchandize, or as freely as it is  
shipped from any other open port  
in China, and we claim either  
to be allowed to re-export that

in our possession, or to be furnished by the authorities with a copy of the Law (or referred to the place where it is to be found) which precludes us from so doing.

2<sup>d</sup> There is every probability that trade will continue in its present state, until the termination of the impending hostilities between the allied forces of Great Britain, France and this Empire, in which case, unless in the meantime destroyed, the rice we hold will be ruined on our hands while there is a strong possibility that all foreigners will be driven from this place as they were from Canton in 1856, and with that example before us, we cannot but feel great anxiety as to the fate of the large quantity of merchandise in our godown. It cannot have escaped you that on the breaking out of hostilities between the English and Chinese at



at Canton in 1856, all foreigners without the slightest distinction were forced to leave that place in haste that not only were they unable to save merchandise in store but in many instances not even personal effects, and that so far from the native authorities affording that protection and assistance to the people of neutral powers which they were bound by treaty to do, rewards were offered for their heads as well as for those of belligerents.

We consider there is every prospect of another war more severe than any which has hitherto been waged by foreign powers against this Empire, and past experience teaches us that we shall be left to our own resources for the protection of life and property, we are convinced moreover that if we wait until friendly relations with the Empire are broken,

it will then be too late to remove  
our property to a place of safety,  
as we shall be unable to find  
the vessels, and the workmen for  
so doing.

We therefore think we have the  
right under any Circumstances,  
to re-export the Rice in question,  
but to prevent us from removing  
our property to a place of safety,  
we consider under existing Cir-  
cumstances to be a great injustice.

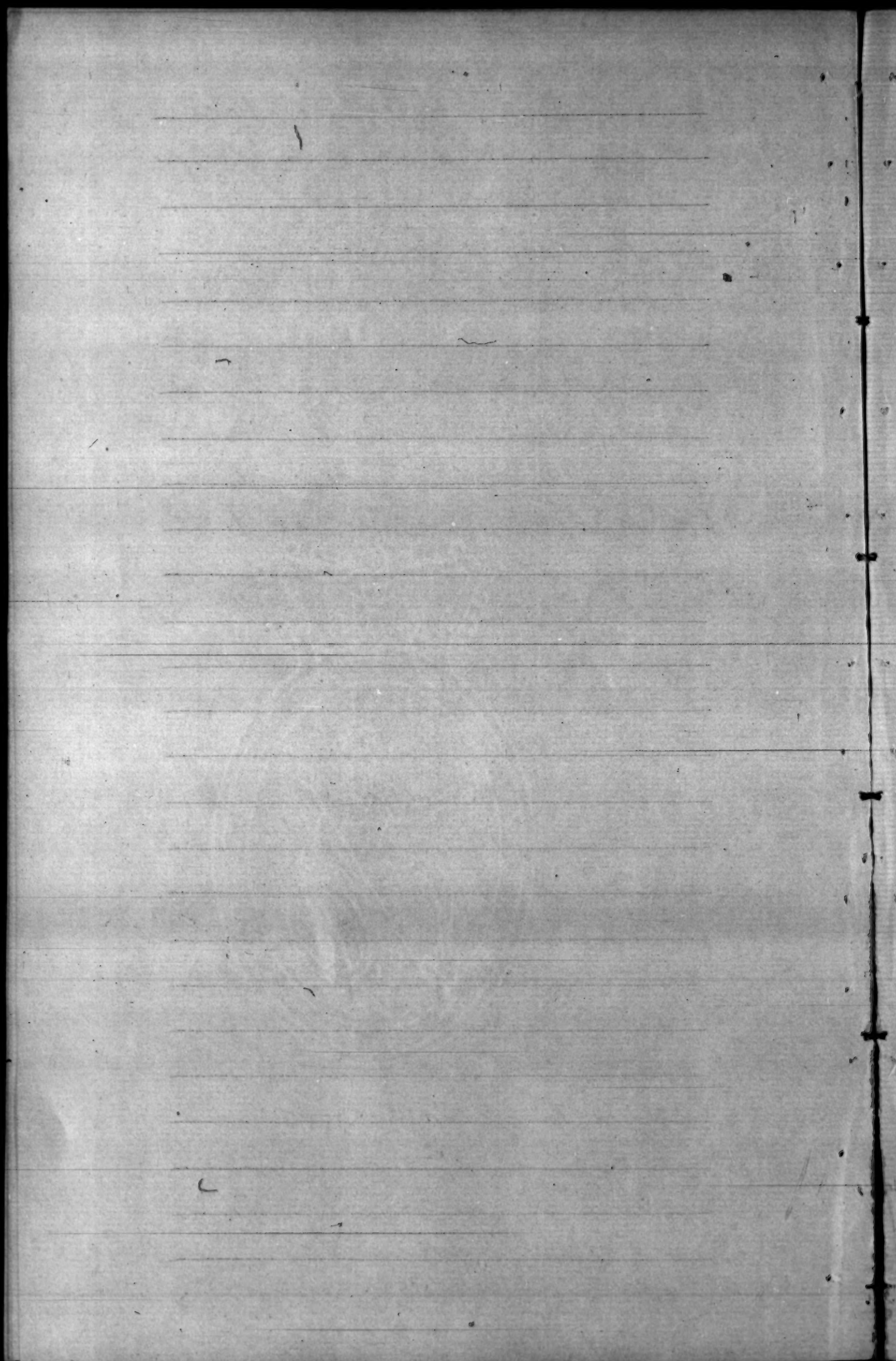
If then the authorities will not  
concede our request on the gen-  
eral grounds we urge, we claim  
a special permit, which could  
only be used as a precedent under  
similar Circumstances and we

cannot see how they can reasonably  
refuse to grant it, should they do so  
our only alternative will be to notify  
you officially that we shall hold the  
Chinese Government responsible for all  
losses incurred through such refusal.

We remain Sir  
Yours obdly

(Signed) Wetmore Williams & Co





No 45<sup>A</sup>

United States Consulate  
Shanghai April 20. 1866  
To His Excellency Hoo Intendant  
of Circuit &c.

I have received your  
Excellency's Communication of the  
17<sup>inst</sup>, in answer to the applications  
of Wetmore Williams & Co for per-  
missions to re-export 20.000 piculs  
of Rice, refusing to grant their re-  
quest, and I have informed Wet-  
more Williams & Co of the Contents  
of your Communication.

I now enclose you another com-  
-munication from them on this  
subject. They assert that there  
are no laws of the Empire which  
prohibit the exportation of Rice,  
and they claim either to be allowed  
to re-export the Rice in their  
possession or to be furnished  
by the authorities with a copy  
of the law or referred to the  
place where it is to be found,  
which precludes them from  
so doing. They assert that it



is not Imperial law but a mere  
dictum of the local authorities  
which has hitherto prevented the  
export of Rice from this port  
with as much freedom as any  
other article of merchandise or  
as freely as it is shipped from  
any other open port in China,  
In consequence of the English  
and French difficulties with  
this Empire and of the probability  
that trade will continue in its  
present suspended state until  
the termination of the impending  
hostilities and for the reasons stated  
by them and to which I call  
your attention they feel great anxiety  
as to the fate of the large quantity  
of merchandise in their godowns  
here and they assert that the Rice  
they hold unless in the meantime  
destroyed, will be ruined on  
their hands, They think they  
have the right under any circum-  
stances to re-export the Rice in  
question, but to be prevented from

removing their property to a place  
of safety, under the existing cir-  
cumstances is a great injustice

But if the authorities will not  
concede their request on the general  
grounds which they urge, then  
they claim a special permit  
and which could not be used  
as a precedent only under simi-  
lar circumstances.

Now because of all these  
reasons, because they cannot sell  
the said Rice here and it will be  
ruined if it remains on their  
hands, because they will take it  
to another port in China if allow-  
ed to re-export it, and on account  
of all the other reasons assigned  
in this enclosed and their previous  
communication, it is unreasonable  
and unjust for you to refuse to per-  
mit them to re-export the said Rice  
as requested by them.

No injustice would be done  
to the Government of China or the  
laws of the Empire by allowing



them to do so, Should their said  
request be not granted they will  
hold the Chinese Government  
responsible for all losses incurred  
through such refusal.

I therefore again respectfully  
and earnestly request your Excellency  
to Comply with their request, I insist  
that you ought to do so and I urge  
you to do so without delay.

I have the honor to  
(Signed) W. L. Smith  
U.S. Consul

Ex 1036<sup>A</sup>

From Woo Intendant of Soosong  
& Tai Circuit &c. &c.

I have just received your Ex.  
letter enclosing Mess Wetmore,  
Williams & Co's request regarding  
the re-exportation of 20,000  
piculs of Rice &c. &c.

As far as I can see foreign  
rice on being imported into China  
is the same as Chinese and cannot  
be exported, which I distinctly  
stated in my first answer to your  
Exo: Mess. Wetmore, Williams & Co,  
refer to the 21<sup>st</sup> article of the Tientsin  
Treaty which in my opinion  
states clearly that "Rice not land-  
ed may be re exported" thus  
distinctly making a difference  
between Rice that has been landed  
and Rice that has not, In  
regards to the 15<sup>th</sup> article of the  
same treaty let them read it as  
they will states very clearly  
"That all description of goods  
may be bought and sold imported  
and exported excepting such



as are forbidden by the laws of China." Setting aside for a moment these two articles of the treaty Mess. Metmore & Williams, & Co. will find that there is an old law forbidding the exportation of Rice, which has always been respected by all foreign merchants.

Mess Metmore, Williams & Co. seem to be unnecessarily alarmed regarding difficulties which they say "may arise" and "quote the difficulties at Canton as an example".

Now foreign trade has been carried on for nearly 20 years and there never has been any difficulties to speak of at Shanghai between the foreigners and natives therefore the comparison is rather stretched.

The population of Shanghai is numerous and Rice is generally scarce and always salable. Should they have any desire they can always find a pur-

at any time, why then do they want  
to send it to another port and violate  
the laws of the land? It is not  
necessary for them to hold it until  
it spoils before selling it, and as  
regards "holding the Chinese Gov-  
ernment responsible for the loss"  
I cannot find that it is in ac-  
cordance with any treaty that  
I have seen.

It was quite unnecessary for  
them to have stated this. I can  
only follow the treaty and laws  
of China in the management of  
public business, should I violate  
them would I be acting justly?

I cannot comply with your  
request. Please inform Mess  
Wetmore William, & Co of the  
contents of the above -

May the days happiness be yours

To  
W. L. G. Smith Esq  
US Consul

10th year Intercalary 3<sup>rd</sup> moon 3<sup>rd</sup> day 23<sup>rd</sup> April 1860



R

7

7A

Legation of the United States  
Hong Kong May 7<sup>th</sup> 1860

Sir,

Your Dispatches of the 25<sup>th</sup>  
& 28<sup>th</sup> of April have been duly  
received.

I have carefully examined  
all the enclosures connected with  
the applications of Messrs Wet-  
more, Williams & Co to re-export  
20,000 piculs of rice from the  
Port of Shanghai to some other  
Port in China, with the most  
anxious desire to render them all  
the aid in my power.

It is too late for us to question  
the existence of a Law in China  
forbidding the export of Rice, that  
Law is most clearly recognized  
by the treaty of Tientsin.

By the 15<sup>th</sup> article of that  
treaty it is declared that "at  
each of the Ports open to commerce  
Genl W. L. G. Smith

United States Consul,  
Shanghai.



Citizens of the United States are permitted to import from abroad: sell, purchase and export all merchandise of which the importation is not prohibited by the laws of the Empire." by the 21<sup>st</sup> article of the Treaty after provision made for the re-exportation of merchandise to other Ports it is declared that "Foreign grain or rice brought into any Port of China in a Ship of the United States and not landed may be re-exported without hindrance"

The expression of one is clearly the denial of the other, provision having already been made for the re-exportation of other merchandise which had been landed, the terms of the Treaty would not have been clearer if it had expressed in words that after the rice had been landed it should not be re-exported.

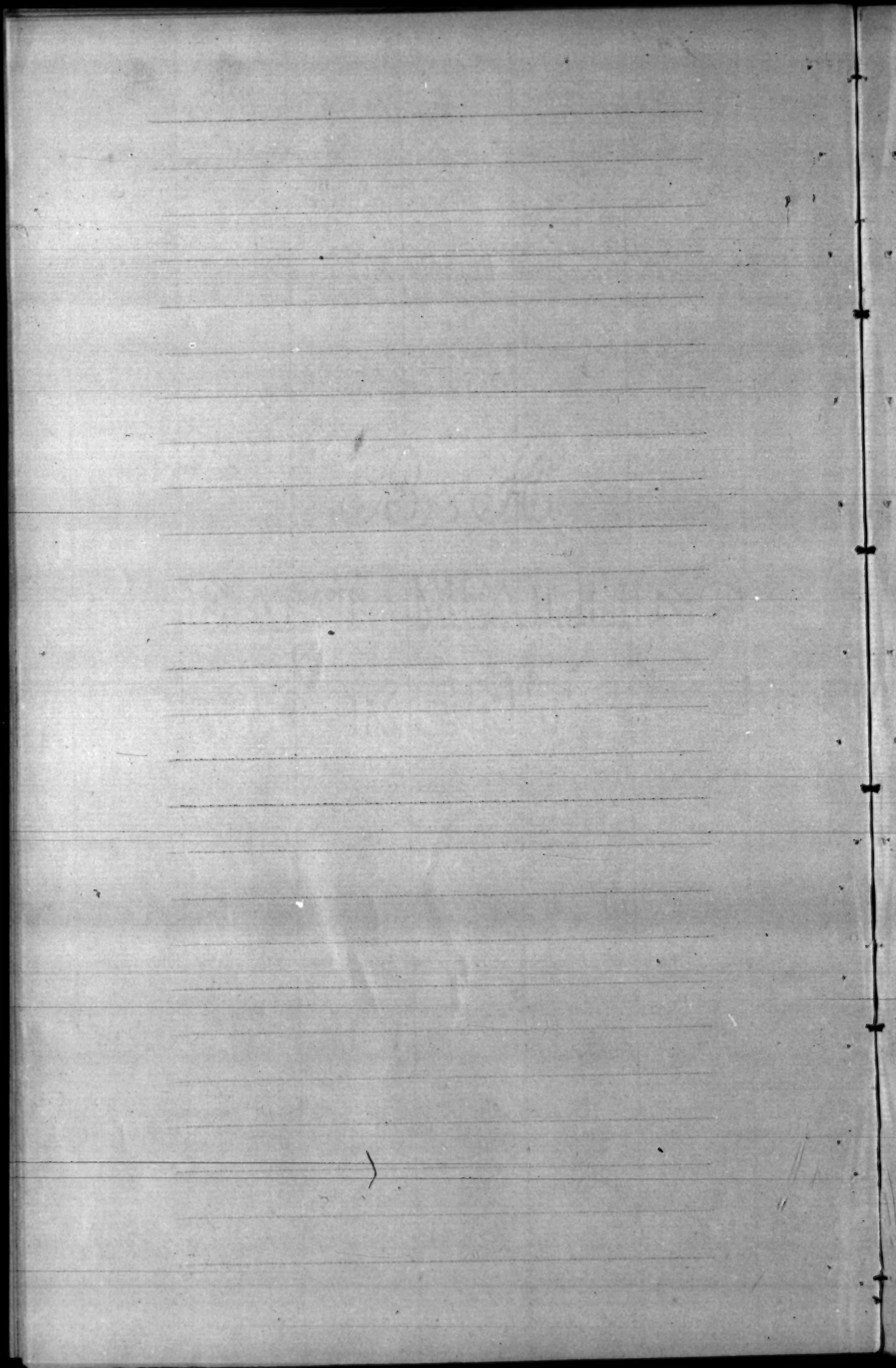
If it be true that the Chinese authorities for any reason satis-

factory to themselves permit rice  
to be re-exported from some of  
the Ports, the relaxation of the  
law at such Ports affords us  
no justification for its violation  
at others.

The case does not call  
for any official action on my  
part.

I am respectfully  
Your obed<sup>t</sup> Servant  
John E. Ward





Shanghai 26<sup>th</sup> May 1860

Sir,

On the 16<sup>th</sup> and 19<sup>th</sup> ultimo we had the honor to address H.E. G. Smith Esq<sup>r</sup> American Consul at this Port respecting certain Rice imported by us which we were desirous of re-exporting.

Mr Smith with great promptness laid our application before the Native Authorities, who having refused the permission sought he referred the correspondence to your Excellency, and subsequently favoured us with a copy of your Excellency's opinion sustaining the decision of the Native Customs officials.

We do not wish in any way to question the opinion which your Excellency has expressed, but are now constrained by the

To His Excellency

The Honble John Edward

U.S. Commissioner

Y<sup>rs</sup> &c &c



danger which seems to threaten  
our property again to obtrude  
the matter upon your Excellency's  
notice, and though the facts are  
all set forth in the correspondence  
laid by the U.S. Consul before  
your Excellency would briefly  
recapitulate them. The Rice in  
question amounting to about 20,000  
piculs, and costing about 40,000  
Mexican dollars was imported  
by us from Siam, Rangoon and  
Bassim, and now lies in our  
Godowns, perfectly unsaleable  
in consequence of the complete  
stoppage of the import trade  
of this place, caused by the  
present highly disturbed state  
of the Country.

At other ports in China par-  
ticularly at Canton, where we  
are desirous to ship the Rice,  
the article is in great demand,  
and ours if now there would  
command upwards of \$60,000.

As the present stoppage of

trade arises both from the alarms  
occasioned by the rapid progress  
of the Rebellion in this vicinity,  
and the impending war with  
England and France, we see  
no hope of any improvement for  
many months to come, and if our  
rice escapes the dangers of war,  
it is certain to be destroyed by  
Insects and vermin.

The former we consider to be far  
more threatening however than  
when we first addressed the  
American Consul on the subject,  
as a powerful rebel force is even  
now in the vicinity of the neigh-  
boring City of Soochow for the  
safety of which important place  
the most serious apprehensions  
are felt.

Not more the fact that crowds  
of natives are this very day flying  
from Shanghai, indicates a strong  
feeling of alarm for the security  
of this place, and we are very  
credibly informed that the

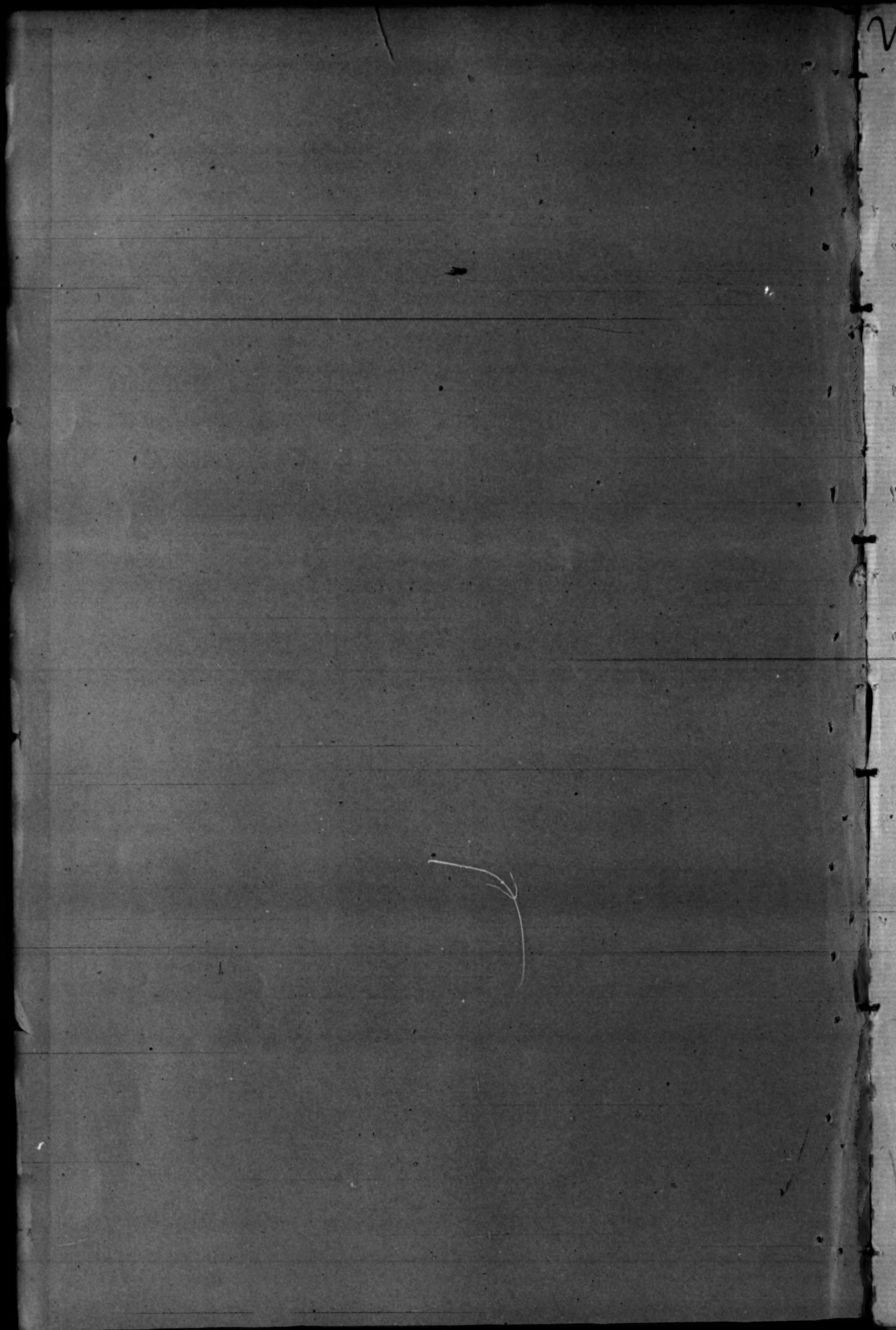


Taoutao has made a formal application to the English Consul for a force of English Soldiers to protect the City, thereby Confessing both the apprehended danger, and the inability of the Chinese Government to avert it. As has ever been the case therefore when danger threatens we are certain to be left to our own resources for the protection of our property, and these failing it must surely be destroyed. Undoubtedly if the Chinese Authorities have the right to relax the rule they have laid down, and grant the privilege of re-exporting Rice under such extraordinary circumstances as the present, and to persist in refusing so to do we think a great injustice and an intolerable hardship, as it cannot possibly affect the interests of the Chinese Government if this Rice is sent away, as there is little foreign grain here save what we hold, and as such a special permit

as we desire could only be used  
as a precedent in similar Cases,  
we beg to solicit the kind offices  
of your Excellency in our behalf  
with the Native Authorities, to  
secure for us permission to re-  
move our property to a place  
of safety, and thereby save it  
from what we consider inevit-  
able danger.

Remaining,  
respectfully  
Your Excellency's  
Obedt Servants  
(Signed) Netmore, William & Co





2  
Re Amoy

Mr. Gerrish

Official No 13

Amoy 22<sup>nd</sup> Sept

Legation of the United States  
Shanghai May 29<sup>th</sup> 1860

Sir,

I have the honor to inform you  
that whilst at Amoy, on my  
way to Shanghai, I received a  
communication from the Consul  
of the United States at Swatow  
informing me that ~~Edw~~ McCann  
one of the employees at the Custom  
House at that port had been  
cruelly murdered, and that he  
had just learned that McCann  
was an American Citizen.

(Enclosure 1)

This man had represented himself  
to be a British subject, and, as  
such, had been employed in the  
Custom House. I did not, therefore,  
feel, that that official action  
on my part was required, and

replied

Hon Lewis Cass

Secretary of State



replied accordingly to Mr. Bradley  
(Enclosure 2). The  
position of American Citizens,  
accepting offices from the Chinese  
Government in their Custom Houses  
is so peculiar, that I would be  
very glad to be instructed by  
you, as to the extent to which  
they are entitled to protection  
under any circumstances from  
their own Government. It would  
certainly be my pleasure and  
my duty, as the representative  
of a Christian Nation to prevent  
by every means in my power  
all assassinations. but, have I  
authority to demand satisfaction  
from the Chinese Government for  
the murder of an American  
Citizen employed by them, and  
killed whilst in the discharge  
of his duty, and because of the  
office which he held? if so,  
then we must extend a Protec-  
torate over the Chinese Custom  
House

House, and thus expose ourselves  
to serious complications, not only  
with China, but with other Nations  
for the acts of officers, not appoint-  
ed by us, and over whom we can  
exercise no control. My own opinion  
of this institution is, that if it  
must exist, American Citizens  
should not be excluded from em-  
ployment therein: this is demanded  
alike by our position, as one of  
the Treaty Powers, and by the in-  
terest of our merchants, but that  
those who are employed should  
distinctly understand, that in  
the discharge of their duties, they  
must look alone to the Chinese  
Government for protection, for  
this system of collecting the revenue  
can only be tolerated upon the  
ground that it is desired by  
the Chinese themselves, and if  
they are not willing or able to  
protect their officials, the sooner  
it is abolished the better. My  
opinion



opinion of the recent murder, is that the Chinese were incited to its commission by foreigners themselves, trading at that port, and that it furnishes no evidence of the hostility of the Chinese to foreigners.

Swatow, long before it was opened by Treaty, was the resort of Chinese pirates, and foreign opium smugglers. No mandarin of high rank has ever resided there, and the petty officials were easily induced for a very small sum to permit the trade to go on, without any Treaty rights. It is of course very irksome to these traders, and officials to be compelled to pay the duties required by Treaty, and to lose the profits of the illicit trade. Unfortunately no British Consul has yet been sent to that port to exercise the necessary control over British subjects.

Immediately on my arrival  
here

here, I represented this evil to the  
Governor, and requested that a  
Consul should be sent to Swatow.  
I was met by him in the spirit  
of liberality which has charac-  
terised all of his transactions  
with me, and one will be sent  
immediately. I apprehend no  
difficulty there, after the arrival  
of a British Consul.

I have the honor to be Sir,

Your obedient servant.

John. E. Ward



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(1)

United States Consulate

Suwalow, 17th May 1864

Sir,

I have only just time to inform you of a very serious affair happening on the 12th inst on this Island at about 11 o'clock in the night.

A naturalized American in the employ of the Customs House here was brutally murdered by a party of Canton men. Some of the men supposed to have had a hand in the act are now in Custody, one or two more are still at large and the local authorities are still on the lookout for them. At an examination taken place yesterday, I was present and from appearances I do not think the Mandarins

To

His Excellency

John E. Ward

Yc

Yc



are giving the trial the justice  
that is due.

It was only a few moments  
since that I learnt of the  
party murdered was an American,  
a Captain Clark just arrived  
that I am acquainted with  
and who has been shipmate  
with (Mr McCann) the party  
murdered says that he can  
swear to his having the proper  
naturalizing papers, and that  
he knows of his brother  
living in New York. I  
beg you will excuse the haste  
in which I write and for  
so little information on the  
subject, as I write on board  
of the steamer as she is getting  
her anchor up.

The presence of an American  
man of war here now would  
be of much service.

I am Sir,

with the highest respect

Yours obt Servt

C. W. Bradley

(2) Legation of the United States,  
Amoy May 19th 1860  
Sir,

I have this morning received  
your dispatch of the 17<sup>th</sup> instant  
communicating to me the intel-  
ligence of the murder of  
John McCan alleged to  
be a naturalized American  
Citizen in the Employment of  
the Chinese Custom House, and  
asking for the presence of a Man  
of War.

There is nothing in the state-  
ment of the case of McCan  
which in my judgment demands  
action from the American  
authorities.

The deceased was in the service  
of a Foreign Government had  
obtained his position by rep-  
resenting himself to be a British  
Subject, as such was known  
C. M. Bradley Jr Esq  
United States Consul  
Swatow.



and recognized until the time  
of his death, and now the only  
evidence furnished that he was  
an American Citizen is that  
of an American Captain  
who was a shipmate of the deceased  
and who is willing to swear that  
he had his papers of naturalization.  
Such testimony of Citizenship  
would not be admitted in the  
most trivial case, and even  
if he were an American Citizen  
he was in the employment  
of a Foreign Government to  
which he had voluntarily become  
responsible and to which he  
must have looked for protection  
while in the discharge of his  
official duties.

I have communicated to  
your request to Commodore  
Fribling for the presence of  
a Man of War at Swatow,  
sustained by my own strongly  
expressed wish, that he would  
if possible comply with that

Request

The Commodore is anxious  
to do so, but does not feel auth-  
orized to return himself to  
Swatow.

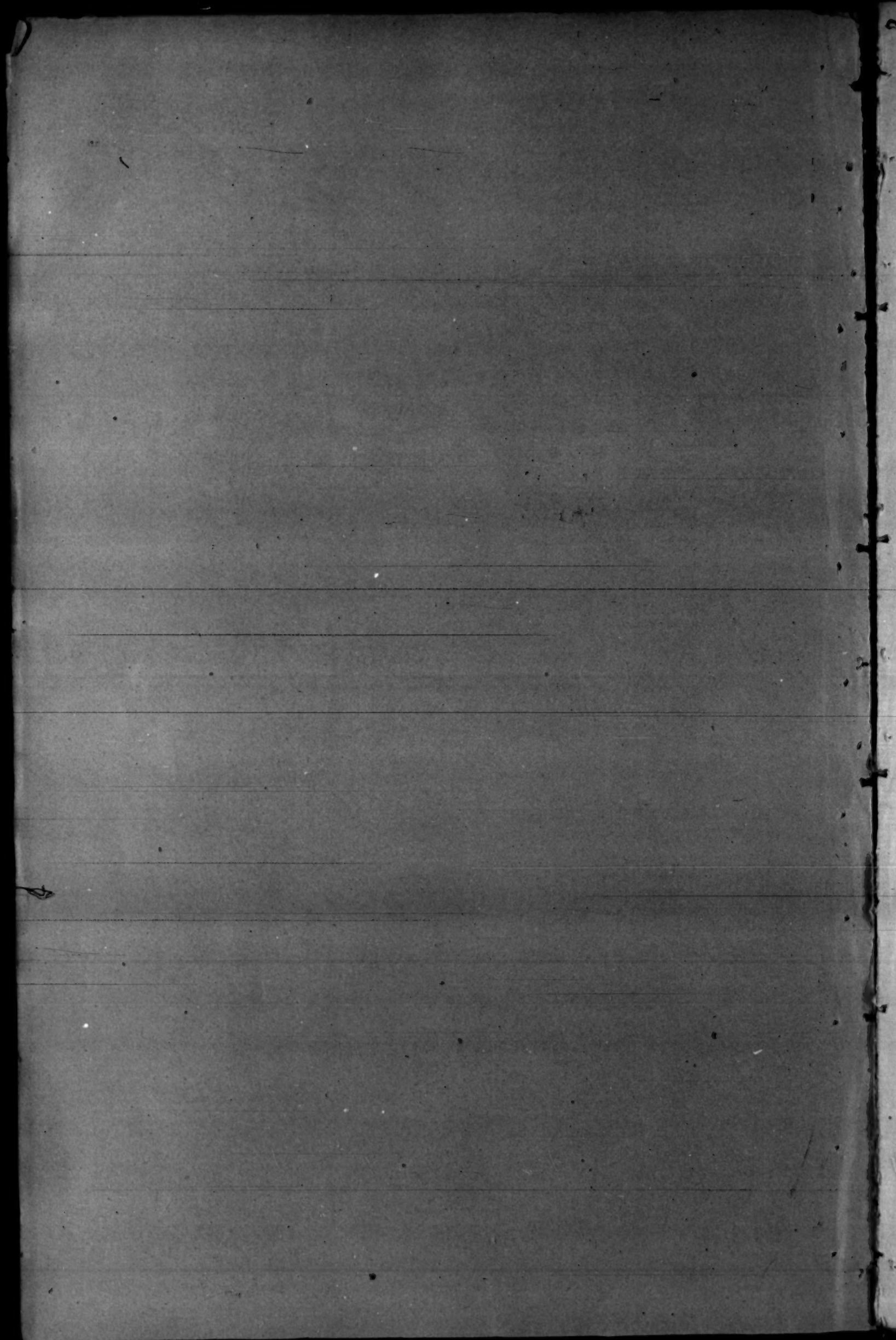
The John Adams could  
not be there for a month. The  
Saganaw is now daily expected  
having been seen at the Sandwich  
Islands. - it is doubtful if she  
will go first to Shanghai or Hong  
Kong. The Commodore will  
send an order by this boat to meet  
her at Hong Kong if she should  
be there, directing her to go at once  
to Swatow; and if she should  
be in Shanghai, he will order  
her there immediately on her arrival  
at that place.

You may therefore I think  
expect her very soon.

Very respectfully  
Your obt Servant

John E. Ward





V  
Recd 20 Aug  
Ans. " "  
Official No 144

Legation of the United States  
Shanghai May 30<sup>th</sup> 1860

Sir

I have the honor to inform you  
that since the resignation of Mr.  
W. Wallace Ward, Secretary of this  
Legation, and the departure of  
Dr. Williams, the Interpreter of  
the Legation, I have been without  
the necessary aid in the discharge  
of my duties except such as I  
could procure from time to time  
as occasion may have required.  
I have now found it necessary  
to employ an Interpreter, and to  
appoint a Secretary of Legation  
until the will of the President  
shall be known upon this sub-  
ject. I will of course be useless  
to go North in obedience to  
your instructions without an  
Interpreter

Hon Lewis Cass

Secretary of State



Interpreter familiar with the  
Mandarin dialect, able both  
to speak and write it. Mr Martin,  
who was the Interpreter for Mr. Reed,  
and who accompanied me last  
year to Peking has returned to the  
United States. Mr. Atchison, the  
only other American familiar  
with that dialect, died last  
year on our way from Peking.

I have been fortunate,  
however, in securing the  
services of Mr. Marques, who  
was educated by the Portuguese  
Government for an Interpreter  
and accompanied Baron Gros  
as Interpreter to the French Le-  
gation in 1858, and Monsieur de  
Bourboulon in the same capae-  
ity in 1859, and is one of the  
best Interpreters in China.

His appointment, however,  
entails no additional expense  
on the Government, as by the  
Regulations of the Department, Dr.  
Williams must supply an Interpreter  
to

to the Legation during his absence.  
For this purpose he has left a credit  
for an amount which I hope the case  
will be sufficient to pay for the  
services of Mr Marques, although  
it is not half of his salary (the  
usual portion provided in such cases).  
If the credit left by him should  
not be sufficient, he will of course  
be obliged to pay the balance.

In going North  
the appointment of a Secretary  
of Legation was equally necessary.  
The Ministers in China are compelled  
to have an officer of lower rank  
than themselves to meet and confer  
with Chinese Mandarins appointed  
by the higher officials of China, be-  
cause those officials will seldom  
meet the Ministers until the pre-  
liminaries of their meeting have  
been arranged, and after the matters  
to be arranged by them have been  
as far as possible discussed by  
their subalterns. It is never desirable  
that the Interpreter of the Legation  
should



should occupy this position. In the present case it is impossible as Mr. Marques is not an American Citizen. I have therefore appointed Mr George W. Heard Jr., one of the gentlemen, who went with me to Peking last year - Secretary of Legation until the will of the President shall be known, and I herewith send a copy of his Commission (Enclosure A). I sincerely hope the President may be pleased to confirm this appointment. Mr Heard is about twenty three years of age, was born in Boston, educated at Harvard University and in Europe, speaks French, and is in every way fitted for the position. Although Mr. Heard is a near relative of the Heards of the large American House of Augustine Heard & Co. he is not a member of that House and not engaged in mercantile life. Enclosed I send two of his signatures (Enclosure B.), and  
earnestly

earnestly request that instructions  
may be given Messrs Baring Brothers & Co.  
to pay his drafts for the salary which  
Mr. W Wallace Ward was accustomed  
to draw up to the time of his resigna-  
tion. Mr. Ward's salary to commence  
from the 15<sup>th</sup> day of May, the date  
of his appointment, and to be  
continued at least until the  
President's wishes shall be known  
as until that time he will be dis-  
charging the duties of the office  
and without his services. I could  
not perform my own in a manner  
which I could hope would be  
acceptable to the President

Have the honor, to be, Sir,  
Your obedient servant  
John W. Ward



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(A)

To George W. Heath Esq

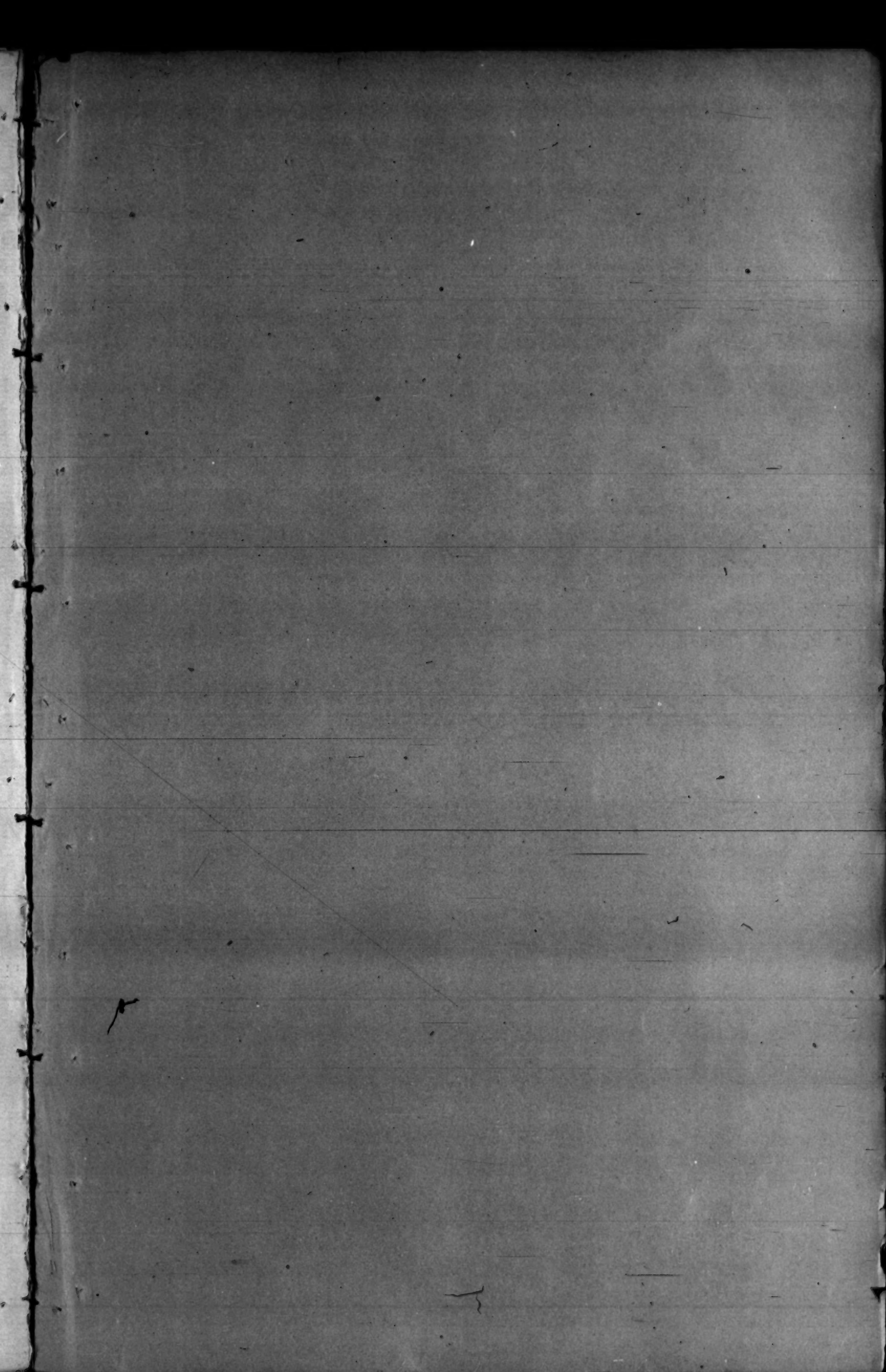
Sir,

The exigencies of American  
interests in China rendering it  
important to appoint some one  
to discharge the duties of Sec-  
retary of Legation of the United  
States which office has become  
vacant by the resignation of  
W. Wallace Ward Esq and having  
Confidence in your integrity, pru-  
dence and ability I do by the  
authority invested in me as  
Envoy Extraordinary and Minister  
Plenipotentiary of the United  
States of America to China  
hereby appoint you to be Sec-  
retary of Legation of the  
United States of America  
to China and empower you  
to perform all the duties  
and receive all the emola-  
ments of said office until  
the pleasure of the President



of the United States shall  
be further known.

Given under my hand  
and seal of office at  
the Legation of the United  
States Shanghai this 15<sup>th</sup>  
day of May 1860. John. E. Ward.  
(L.S.)







Official No 15

Recd H. C. L. Mr. Derrick

Legation of the United States  
Shanghai June 29<sup>th</sup> 1880

Sir

I have the honor to inform  
you that on the 15<sup>th</sup> inst. His Excellency  
General Ignatieff, Russian Plenipotentiary  
arrived here, and informed me that  
he had left the Gulf of Pechelce, and  
had come for the purpose of con-  
sulting with me. On the 18<sup>th</sup> instant  
I received a communication from  
him, a copy of which I herewith  
send (enclosure 1<sup>a</sup>) with my reply  
thereto (enclosure 2<sup>a</sup>).

I learn from General Ignatieff  
that the Chinese will not yield to  
the demands of England and France  
without a desperate struggle; their  
arms, however, are of the most  
worthless description, consisting of  
old matchlock guns, and bows and  
arrows

To

The Hon<sup>ble</sup> Lewis Cass  
Secretary of State



arrows: the troops are without discipline, so that of course they will be unable to resist with any success the advance of the Allies on Peking. This place, he informs me, is itself on the eve of revolution: there are within its walls 86000 troops, undisciplined and unpaid, who are but little better than robbers. The Emperor has lost much of the reverence and respect once entertained for him, and the impression exists there, as everywhere else in China, that this dynasty is about to be overthrown. There is but one hope of satisfactorily adjusting the present difficulties - which is, that after the fall of the Taku Forts, the Chinese may come to terms. I am satisfied that an advance of the Allied forces into the Country must result most disastrously to all interests.

Hwashana, who was one of the negotiators of the Tientsin Treaty

Treaty, has recently put an end to his life by poison. It appears that the provisions of the English Treaty had been misrepresented to the Emperor by Kweiliang and himself. As represented to them to the Emperor, the right of a permanent residence in Peking depended upon his will. After the Battle at Taku last year, Sankolinsin suspecting that some deceit had been practised by the Imperial Commissioners desired the Emperor to send for them, and question them: Kweiliang pled his age, and said he had left the whole matter to Hwasana, and did not know what the Treaty contained. Hwasana was then sent for, and immediately after his interview with the Emperor, returned to his house took leave of his family, retired to his room, wrote a full Confession to the Emperor, giving his reasons for his conduct, and then drank poison. The Emperor has issued a proclamation



proclamation pardoning Everything.

So, another of the commissioners engaged in framing the Tariff and who was the Imperial Commissioner for the open ports, and a great friend of the foreigners, particularly of the Americans has been degraded and ordered to Peking, where he will undoubtedly be executed for the loss of Soochow, and other cities to the Rebels.

Almost every City in this province is now in the hands of the Rebels:—Shanghai is only saved by the presence of a foreign force here, and is now virtually in the possession of the Allies, who have landed a large force for its protection against the rebels, and will doubtless hold it. The Thontai simply executes their orders. He has just issued a proclamation reducing all duties on English and American goods, one half, alleging in his proclamation that it was done at the instance of the British Consul

Consul

Three of our Missionaries, the Reverend Messrs Crawford, Holmes, and Hartwell, have just returned from a visit to the Rebels at Soochow. They describe them as being desirous to cultivate relations of friendship with foreigners; they alleged that they had an Emperor at Nanking, and Seven Kings in different parts of the Empire; that their object was the overthrow of the present dynasty; that they would not attempt to come to Shanghai without the consent of foreigners. But if allowed to come, they would take the City and establish a Government here. A communication was sent to each of the Ministers, which was brought under cover to me. I have declined to receive it. Thus far they have manifested no power whatever to establish or to maintain any kind of Government. But we are through



through the country a band of  
murderers and robbers. Their  
present power of mischief has  
arisen from the desertion of the  
Imperial troops to their ranks.  
All the resources of the country  
having been taken north to prepare  
against the Allies, these troops  
were without pay, mutinied and  
joined the Rebels. I forbear from  
a description of the massacres of  
men, women, & children in every  
city taken by them: the public  
prints will doubtless give full  
accounts of all these sickening horrors.

Herewith annex copy of  
a letter from General Ignatieff in  
relation to my having procured  
from the Imperial Commissioner  
the exequatur of Mr. Albert F. Heard,  
an American Citizen, as the Russian  
Consul at this port (enclosure 6.)  
I also enclose a letter from Mr.  
Bruce in relation to the instructions  
given by Flag Officer C. K. Strubling  
to

to Captain Walcott of the U.S. Sloop  
"John Adams" - to afford protection  
to the subjects of Her Britannic Majesty  
at the port of Foochow, with my  
reply thereto (enclosures 1<sup>o</sup>. 2<sup>o</sup>)

// It is my intention to leave  
this place for the Peiho River,  
in the course of the next week, in  
company with the General Ignatieff  
the Russian Minister. I have con-  
sidered it very important for many  
reasons that Commodore Stirling  
should accompany me, and as he  
is still without instructions upon  
that point, and as there is no  
apprehension whatever now for  
the safety of Shanghai, I have  
requested him to do so.

// It is now believed that hostilities  
will be commenced about the 15<sup>th</sup>  
July: my own impression is that  
the Ports will be in possession of  
the Allies about the 1<sup>st</sup> August.

The English will land at Peking  
and attack them from the North:  
the



the French will land a short distance  
to the South and attack them from  
that quarter, the English and French  
gunboats attacking them in front as  
last year. The conflict will be a short  
one. I beg leave again, most  
earnestly to solicit the President for  
leave of absence for six months, and  
that the commanding officer of this  
station may be instructed to send  
me to Suez. My health will render  
it absolutely impossible for me  
to remain in China after the  
end of the present year.

I have the honor to be, Sir,

Very respectfully

Your obedient servant  
John. E. Ward

Enclosure 1<sup>a</sup>

Wm

Sir

As the Envoy of His Imperial Majesty in Washington has been ordered to communicate to the Foreign Secretary, the General Cass, the instructions given to me. — Your Excellency, probably is well acquainted with them.

Notwithstanding, I think it my duty on arriving at Shanghai to inform you, Sir, on my side, of the directions recently received from my Government about his attitude concerning the present complication in China.

Having finished the negotiations which retained me at Peking last winter, I started in compliance with the orders of my Government to Peh-tang, where I found a steamer which was sent there for the purpose to wait on me. I am directed to wait

His Excellency

Mr. Howard.

Envoy Extraordinary & Minister Plenipotentiary  
of the United States

&c &c &c



in the Gulf of Pechili, in proximity  
to the Anglo-French Squadron during  
its operation against China, observing  
a complete neutrality between the  
two belligerent parties. I am  
authorized to offer my good offices  
to them, and leave the position of  
a peaceful observation for a dip-  
lomatic intervention - only if such  
good offices are declined.

The intentions of the Imperial  
Cabinet in the present case being entirely  
the same as those of the Government  
of the United States - as far as we  
can know them, my instructions  
must be identical with Yours  
and I am specially directed to  
combine my action with that  
of the American Plenipotentiary  
and in every occasion to enter  
previously into a close commu-  
nication with Your Excellency  
about our policy in the present  
complication.

It will be particularly  
agreeable

agreeable for me to follow those  
instructions, and to entertain  
the most cordial and unreserved  
intercourse with Your Excellency,  
in doing my duty. It is to be  
hoped that the common action  
of the Representatives of the United  
States and of Russia in China  
will exercise a salutary influence  
on the friendly settlement of the  
Chinese question, and it will  
furnish a new testimony to  
the cordiality which invariably  
exists between our two Nations,  
united by mutual sympathy  
and the same interests.

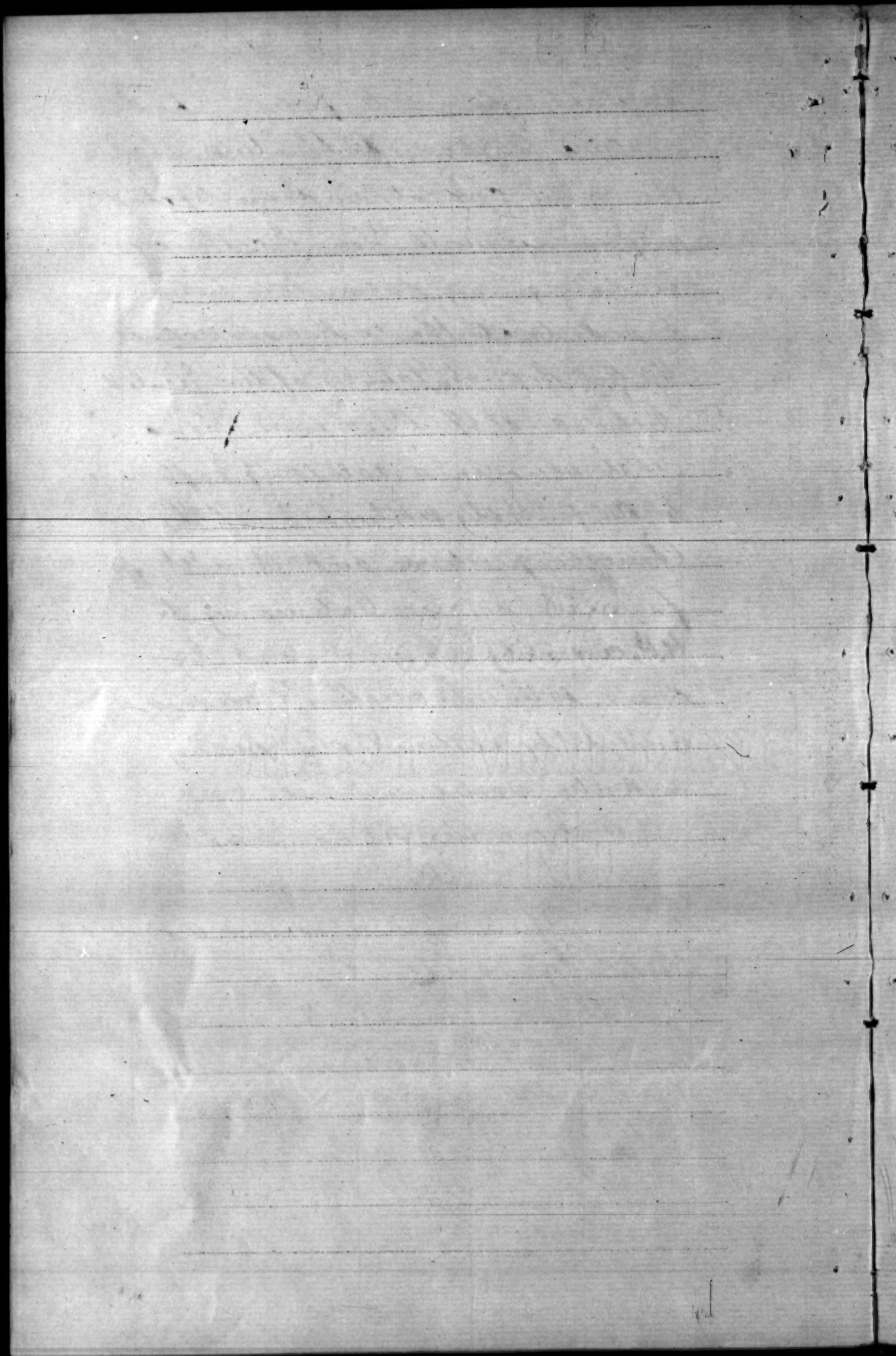
Have the honor to be  
Sir

Your most obedient servant  
(signed) Nicolas Ignatieff

Shanghai

June 6/18 1860





this

Enclosure 2 & 2 a

Legation of the United States  
Shanghai June 19 1860

Sir

I have the honor to acknowledge  
the receipt of Your Excellency's  
despatch of the 6/18 inst. from  
which I have learned with much  
pleasure the nature of your instructions  
from the Imperial Cabinet.

The President, fully  
appreciating the just and honorable  
course of the Russian Government  
upon the present unhappy  
complications in China, has  
determined to adopt the same  
line

To/

His Excellency

Major General N. Ignatieff  
Envoy Extraordinary Minister  
Plenipotentiary of His  
Imperial Majesty  
to China

cc

cc



line of policy, and I have been  
accordingly instructed to repair to  
the Biko, when the French and  
British forces approach there, with  
a view to commence hostile  
operations, and to place myself  
in free communication with the  
Russian Minister, and coöperate  
with him in all proper efforts  
which may tend to bring the  
contest to an amicable conclusion.

It will afford me,  
Sir, the most sincere gratification  
to obey those instructions, and by  
the most cordial and unreserved  
intercourse with Your Excellency  
to unite still more closely the  
Nations we represent.

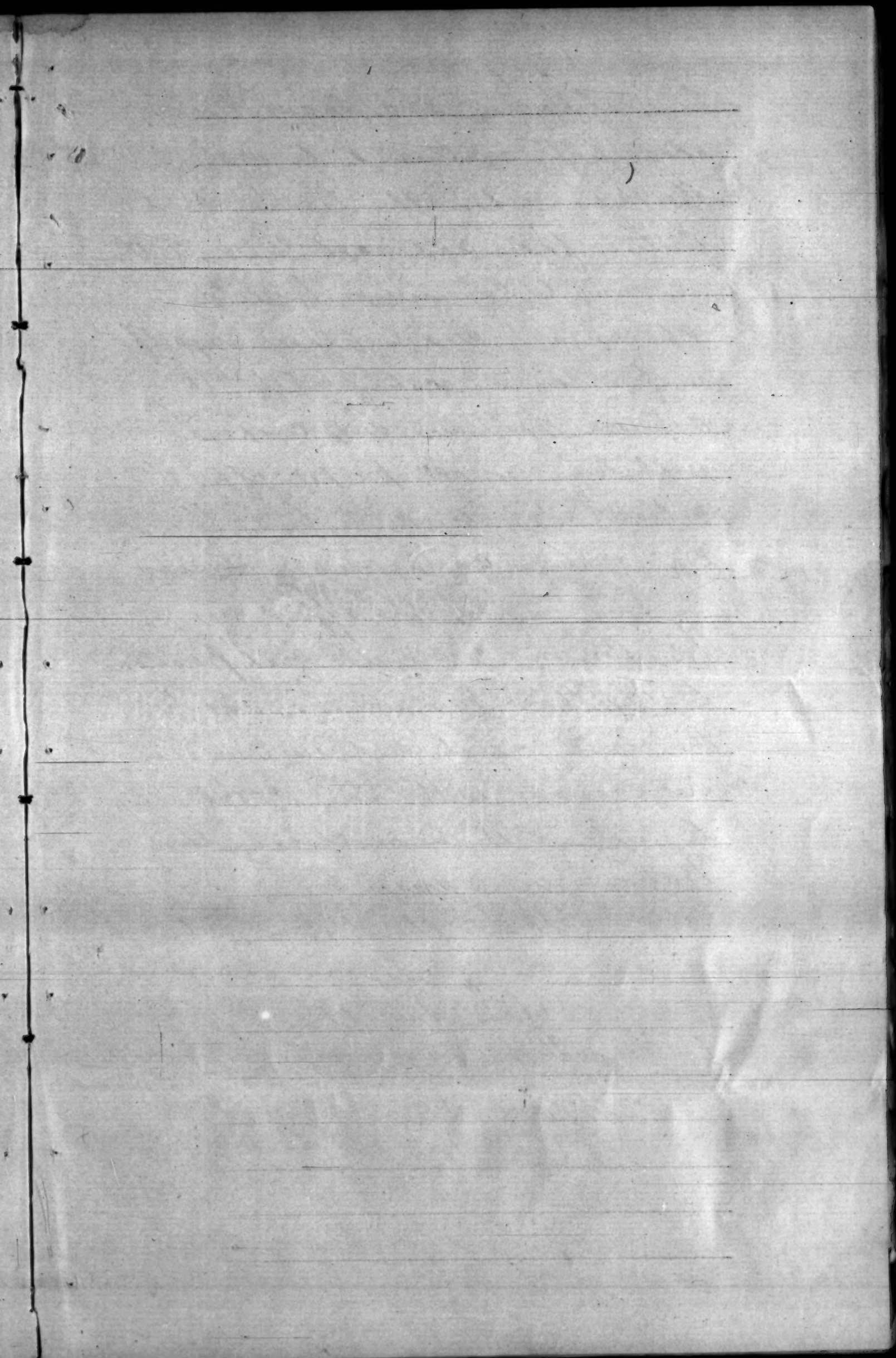
I have the honor to be

Sir

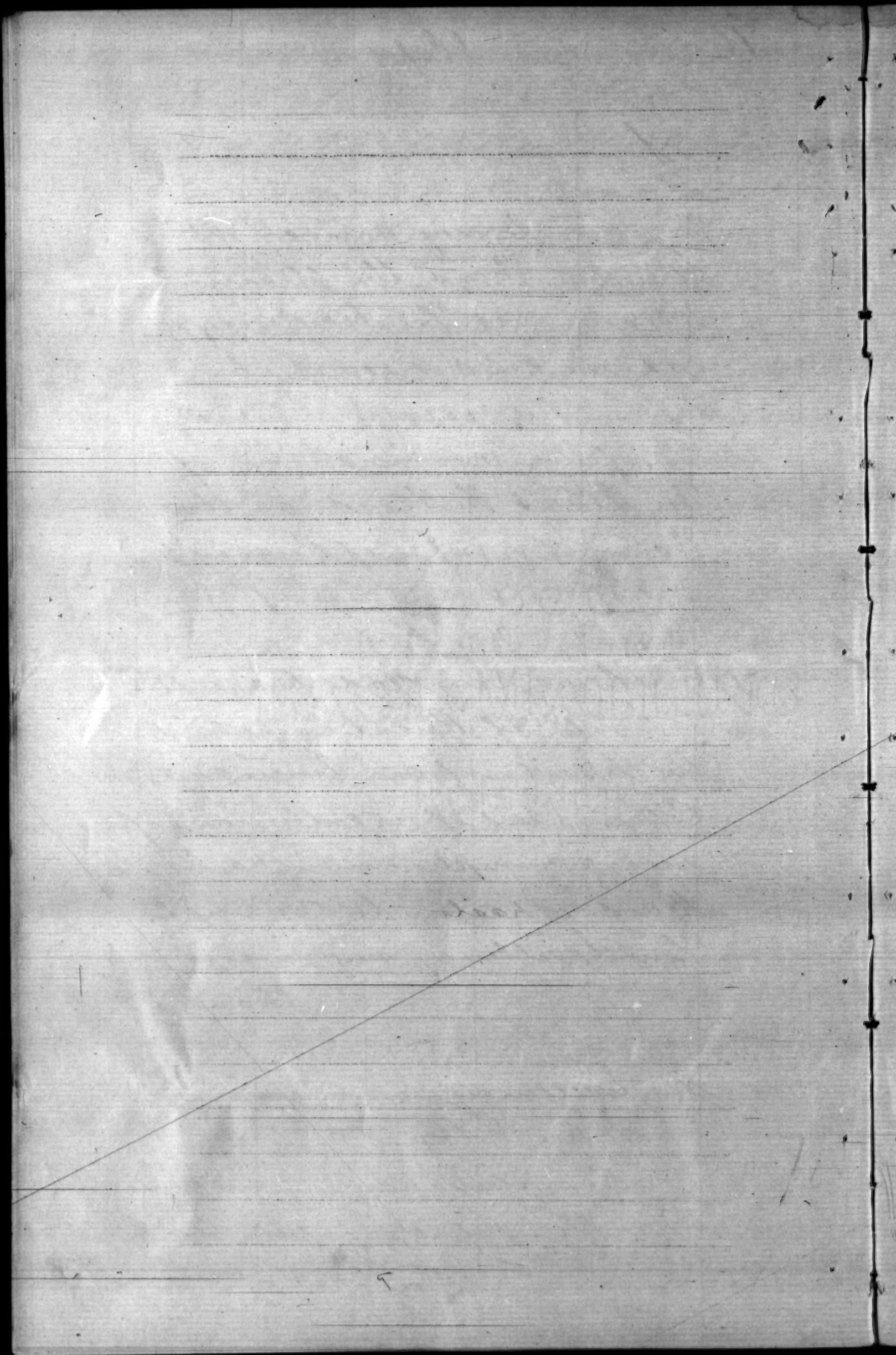
Your Excellency

Most obedient servant

(Signed) John Edward







(Copy)

Sir

On my arrival at Shanghai I had the pleasure to learn that Your Excellency had been kind enough to inform the Governor General Ho. of the nomination of Mr. Albert F. Heard, as the Acting Consul of Russia, and of the acceptance of this post by Mr. Heard.

Being very glad to see the interests of Russia put into the hands of an American Citizen, and of a gentleman of such accomplishments as Mr. Heard, I hasten to convey to Your Excellency my sincere thanks

To

His Excellency

John Edward

Extraordinary and Minister

Plenipotentiary of the United States  
to China



thanks for the good office  
you had the kindness to do my  
Countrymen in communicating  
the said nomination to the Chinese  
Authorities, and in asking the  
acquaintance of Mr. Albert F. Heard.

I shall certainly avail myself  
of the first opportunity to acquaint  
the Imperial Government of the  
service which Your Excellency had  
the amiability to render to it.

I am sorry that having  
been at Peking until now, I  
was deprived of the possibility  
to save Your Excellency the trouble  
of a correspondence with the  
Mandarin Ho about this  
matter, and I would be  
very happy on my side to  
render to Your Excellency

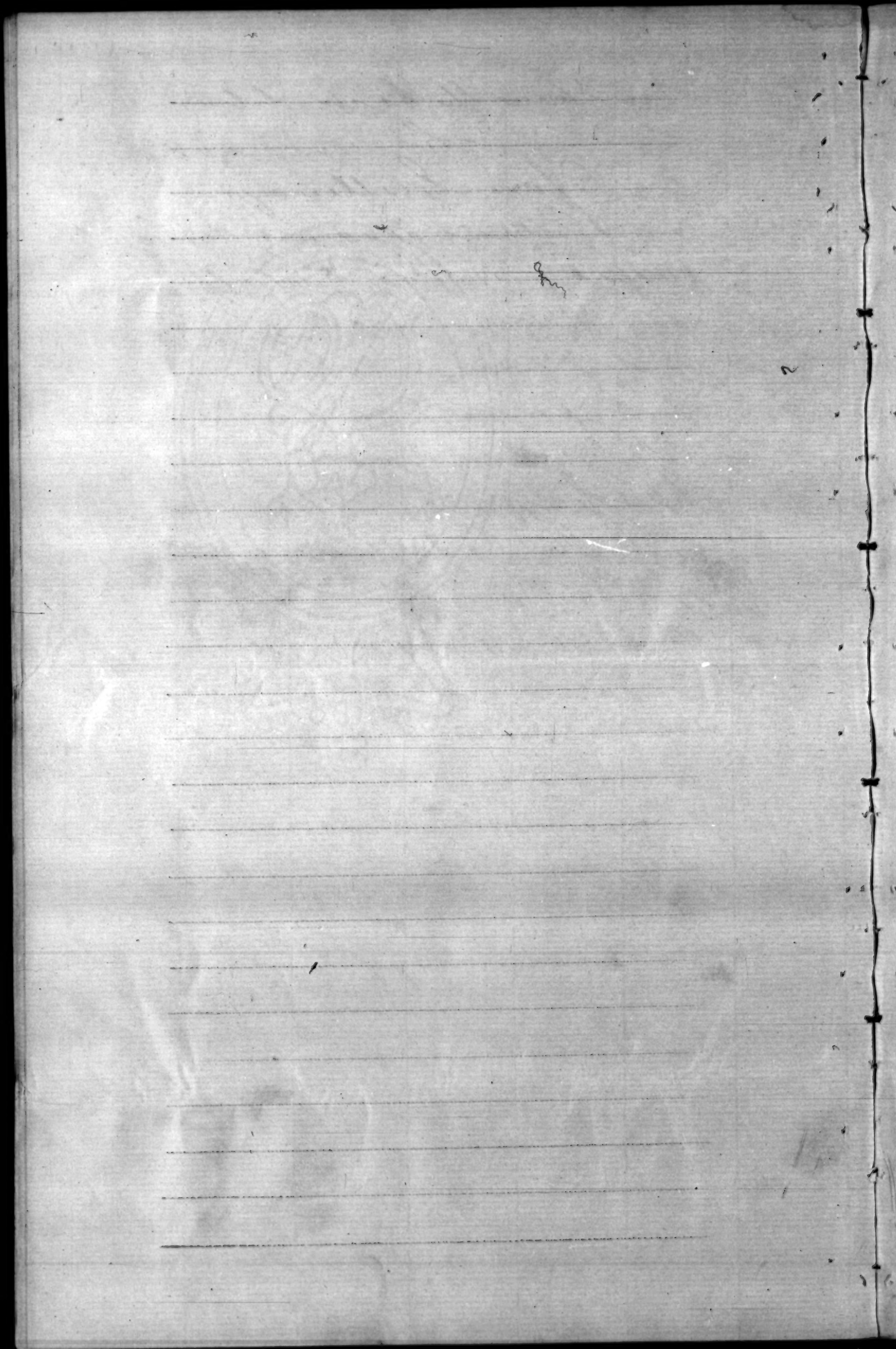
every service which  
Your Country's interest  
in China should  
reclaim

I

I have the honor to be  
- Sir  
Yours Excellency's  
Most obedient servant  
(Signed) Nicolas Ignatieff

Shanghai  
9/21 June 1880





Shanghai

1 C.

June 16 1880

Sir

Mr. Consul Medhurst has communicated to me a despatch from Mr. Gouverneur, the United States Consul at Foo-Chow-foo, informing him of the instructions issued by Commodore C. K. Stribling to the Captain Walbach of the United States Schooner "John Adams", directing that officer to aid and protect the subjects of Her Britannic Majesty in every way compatible with the neutrality of the United States, and stating his readiness to consult with Her Majesty's Consul in any emergency that may present itself

I am anxious, Sir, to express to you without delay my sense of the friendly and considerate course adopted by Commodore Stribling, and  
the

His Excellency

The Hon<sup>ble</sup> John Edward

to

to

to



the United States Consul at Foochow  
and the pleasure it will give me  
to inform Her Majesty's Government  
of the assistance thus offered at  
a critical moment

I have the honor, to be,

Sir,

Your Excellency's  
most obedient  
humble servant,

(Signed) Frederick W. A. Bruce

Shanghai

June 16<sup>th</sup> 1860

Sir

I have  
the honor to acknowledge the  
receipt of Your Excellency's  
despatch of this date in  
which you have kindly  
attended to the course of  
Commodore Stirling and  
Mr. Gouveneur, the Consul  
of the United States at  
Foochow.

It

will afford me much  
pleasure to furnish those  
officers with copies of that  
communication, and I  
assure

To

His Excellency

the Honble Mr. Bruce

To

To

To



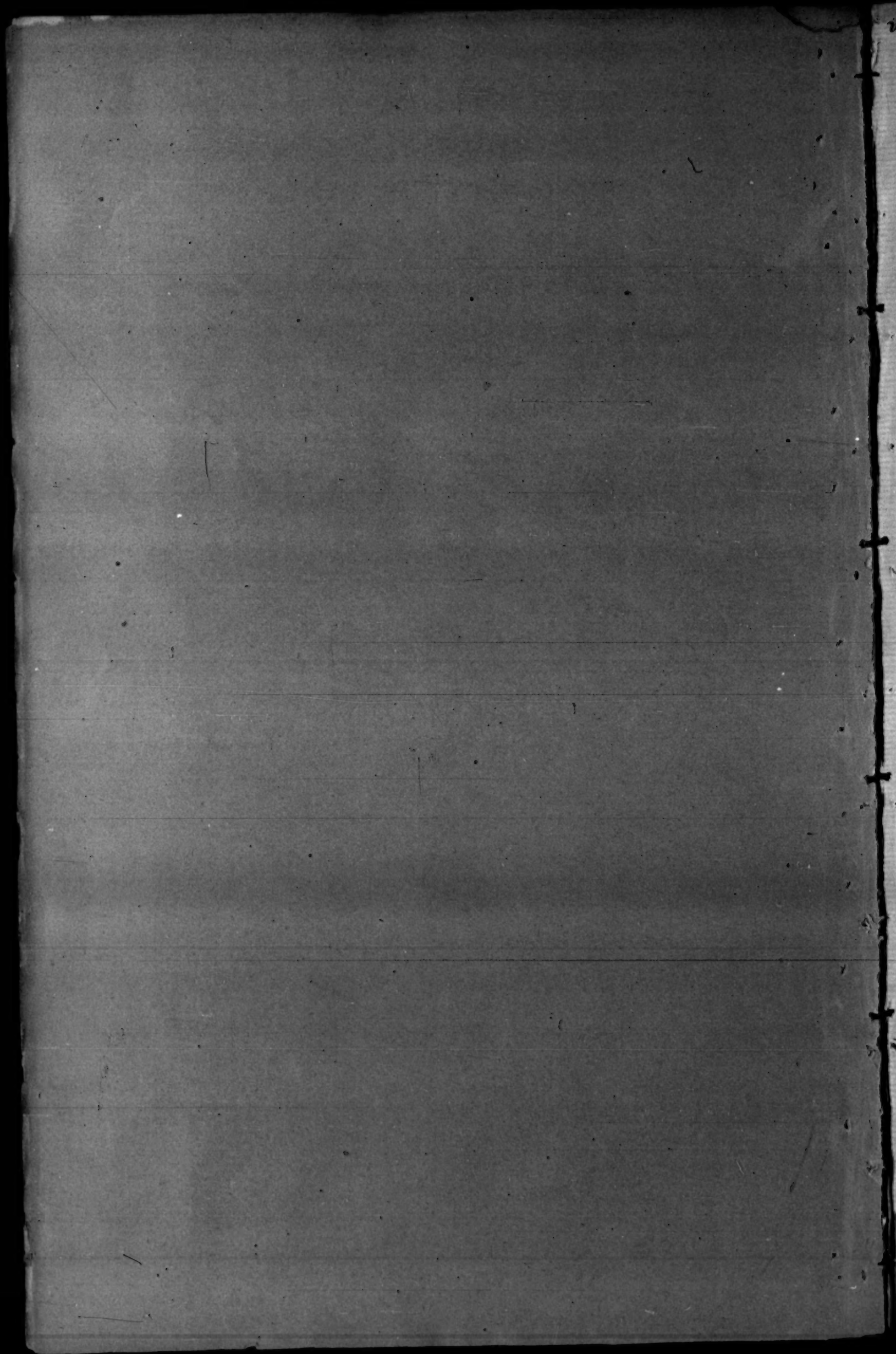
assure you, Sir, that your  
kind sentiments will be  
fully appreciated by them.

I have the honor to be,  
Sir,

Your Excellency's  
most obedient  
humble servant  
(Signed) John Edward







265 ✓  
Official No 16 - McGinnis.

Legation of the United States  
U.S.S. "Hartford"

Gulf of Pecheli  
August 7<sup>th</sup> 1860

Sir,

I have the  
honor to inform you, that  
in obedience to your instructions,  
I left Shanghai on the 9<sup>th</sup> inst.  
in the "Hartford" with Commodore  
Stribling.

Baron Gros and Lord  
Elgin had previously left  
that place for the North, and  
the Allied forces had been  
collected at their different  
rendezvous, — the English at  
Talien-whaw, and the French  
at Chefoo.

We arrived at the  
anchorage  
To Hon<sup>ble</sup> Lewis Cass  
Secretary of State

to to to



anchorage off the Peiho, on the morning of the 14<sup>th</sup> and found there but one Russian man-of-war, the Allied forces not having yet arrived.

The Russian Minister, who had parted with me at Shanghai, to visit Nagasaki, arrived here on the morning of the 15<sup>th</sup> inst. Previous to his departure from Shanghai, he had requested me to address a letter to the Supreme Council of State at Peking, informing them of the position which Russia & America would occupy in the approaching conflict; and give the same to his Interpreter, whom he was about to send to Peking with a letter of the same kind from himself. Anxious to obey the instructions which I had received — "to place myself in free communication with the

the

"the Russian Minister &c," and believing it very desirable that the Chinese Authorities should clearly understand the position of the United States, and the wishes of the President, I complied with the request of General Ignatieff, and entrusted his Interpreter with a short note, addressed to the Supreme Council of State at Peking, informing them that I had been instructed by the President of the United States to repair to the Gulf of Pecheli, and there, in conjunction with the Representative of Russia, be ready to manifest to the Chinese Government the friendship of the United States by rendering them any service which might be in my power, consistently with a position of entire neutrality.

Unwilling, however, at this juncture to have any question raised with the Chinese, as to



to the reception of a communication,  
and knowing how rigid their  
rules were upon this subject.

I instructed the Interpreter not to  
deliver the communication, or  
make any effort to do so, unless  
he should find at Peking a  
mandarin with full authority  
from the Court of Peking to receive  
communications from the foreign  
Ministers. There being at Peking  
no such official, neither my  
communication, nor that of the  
Russian Minister, was delivered.

On the 27<sup>th</sup> inst, a  
mandarin came off in a junk  
to bring to the Russian Minister  
despatches from the Legation  
in Peking. He came on board  
the "Hartford", and was seen and  
conversed with by Mr. Heard,  
the Secretary of the Legation, and  
Mr. Marques, the Interpreter.

He stated that the Governor  
General was aware of my  
presence

2.  
presence in the Gulf. and had sent  
me his compliments. He was  
asked if he had any authority  
to receive a communication, and  
as he replied evasively - "he did  
not know" - none was sent.

On the  
morning of the 29<sup>th</sup> he returned  
with two other mandarins; -  
one of them of higher rank, and  
said the Governor General had  
sent me his respects, and that he  
was authorized to receive a  
communication. Sent by him,  
to the Governor General, a despatch,  
a copy of which I enclose  
Enclosure (Enclosure 1<sup>a</sup>).

On the  
evening of the 28<sup>th</sup> inst. the  
Allied fleet appeared in sight,  
and anchored at the distance of  
about 20 miles from the mouth  
of the Reiko River, (off which  
we are now anchored). On the  
morning of the 30<sup>th</sup> they commenced  
coming



Coming in, and on the morning  
of the 31<sup>st</sup>, the whole fleet was  
anchored about two miles from  
our position, and about ten  
from the Fort.

On Wednesday the 1<sup>st</sup> Aug<sup>t</sup>  
a pink came out to our anchorage  
bringing from the Governor General  
to me, a number of sheep, bullocks,  
and hogs, and a quantity of fruit.  
I sent him in return boxes of wine &c.

On the 3<sup>rd</sup> Aug<sup>t</sup> the same  
official returned with a commun-  
ication from the Governor General,  
a copy of which with my reply  
I have the honor to enclose. (Enclosures 2. 3.)

On the morning of the 4<sup>th</sup>  
inst. the officer returned with  
another communication, a copy  
of which with my reply, I have the  
honor herewith to send. (Enclosure 1. 5.)

Lord Elgin, and Baron Gros  
having previously left this  
anchorage, and gone in towards  
Pektang. I left in the "Saginaw"

on

on the 6<sup>th</sup> to return their visit, and  
to comply with the request of the  
Governor General to communicate  
to them his views and intentions.

Gouard Baron was on board his  
frigate "Du Charla", anchored  
about five miles from the bar of the  
River. Lord Elgin had left his  
ship, and gone up to Peking in a  
smaller steamer, which was  
anchored immediately off the town.

Both Ministers appeared perfectly  
satisfied that the difficulties could  
only be settled by their forces, and  
I am satisfied that the demands of  
the Allies will never be granted  
by the Chinese until they have  
been conquered. I am equally satisfied  
that it is not my duty, and cannot  
be the wish of the President to have  
me remain here simply a spectator  
of such a conflict, and then availing  
myself of privileges extorted by  
Conquest follow the Ministers of  
Other Nations with a conquering  
army



army to Peking, whilst it would  
be also undesirable to remain here  
until the conflict was over, and  
then retire to Shanghai, whilst  
the other Ministers, went to Peking

Having  
already visited Peking, and our  
affairs with China being  
entirely settled, my path of  
duty seemed to me to be plain.

I had notified the Viceroy  
of the kind feelings of the  
President, of the views which  
had induced him to order me  
here, and of my anxiety to obey  
those commands: and nothing  
now seems to remain for me  
but to leave here.

If the English and French  
Ministers shall determine to  
reside in Peking after the exchange  
of their Treaties, our Government  
may exercise the same right under  
the provisions of the American  
Treaty, if the President should  
then

15. 9  
then he of opinion that our  
Minister should reside in Peking.

"Satisfied that  
"no advantage is likely to result  
"from my presence here" — I have,  
in obedience to Your instructions  
notified the Russian Minister of  
my views and intentions, (Enclosure  
+ 1<sup>st</sup>), and will immediately  
leave the Peiho. And at his  
request, I will not leave the  
Gulf of Pecheli, but I have  
requested Commodore Stirling  
to take me in the "Hartford" to  
Chefoo, where we will be near  
enough to Shanghai, to reach  
that place should there  
be any disturbance, and  
where the Russian Minister  
may at any time communicate  
with me. To this request the  
Commodore has kindly acceded,  
and will send the "Saginaro"  
to Shanghai.

The English and  
French



French forces have taken possession of Pektang, from which all the Chinese forces had been previously withdrawn. There was, therefore, no opposition to their landing; there has been, however, one action between the Allied forces and the Chinese, about which there are various reports. Several of the former are known to have been wounded, and the Chinese did not retreat. From the deck of our steamer whilst at Pektang, the camp of the Tartars could be seen. It was believed that all the Allied forces would be landed by the 8<sup>th</sup>, when they would proceed by land to Takoo, a distance of about ten miles, and there attack the forts. As a battle must first be fought with the forces now encamped on the plain, it is not believed that the forts will be

be taken before the 15<sup>th</sup> inst.

Immediately  
after, the Allies will advance  
upon Tientsin, and after its  
capture, they believe that they  
will be able to dictate their  
own terms to the Manchu  
Court. As this, however, will  
be the triumph of arms, and  
not of diplomacy, I trust  
that my course in declining  
to be there may meet the  
approbation of the President  
and Yourself—

I have the honor to  
acknowledge the receipt of  
Despatch No. 16, dated May 8<sup>th</sup>,  
and beg to return my respectful  
thanks to the President for having  
acceded to my request for leave  
of absence for six months. I  
will not leave at a time  
when the public interests  
would be likely to suffer  
from my absence. Should I



I leave before the arrival of  
a new Secretary of Legation,  
Commodore Stirling will  
take charge of the Books  
and Archives of the Mission  
and transact all necessary  
business,

I have the honor to be  
Sir,

Very respectfully  
Your obedient servant  
John. E. Ward

(Copy.)

Enclosure 1<sup>a</sup>

Legation of the United States,  
U.S.S. "Hartford",  
Gulf of Pecheli,  
July 29<sup>th</sup> 1860.

The undersigned, Envoy Extraordinary  
and Minister Plenipotentiary  
of the United States, has the honor  
to inform Your Excellency, that  
the President of the United States,  
anxious to manifest his high  
respect and sincere friendship  
for His Majesty, the Emperor of China,  
and his interest in the happiness  
and prosperity of the people of  
China, has been pleased to  
instruct him to repair to the  
Gulf of Pecheli, whenever the  
Allied Forces of France and  
England should approach the  
Peiho River, that he might be  
in a position, in conjunction with  
His Excellency, the Envoy of Russia,  
to render any service to the  
Chinese



Chinese Government; which  
could be rendered consistently  
with the position of entire  
neutrality, which he has  
been instructed strictly to  
maintain.

In compliance  
with these instructions, the  
undersigned will remain here  
so long as he may think his  
presence can in any manner  
be useful to the Chinese  
Government.

The  
undersigned assures Your  
Excellency of the sincere  
pleasure it would give  
him, if he could in any  
manner be useful in bringing  
about a settlement of the unhappy  
difficulties which now exist  
between China, and France  
& England.

The  
undersigned avails himself  
of

of this opportunity to Express to  
Your Excellency his wishes for  
Your happiness and prosperity.

(signed) John Edward

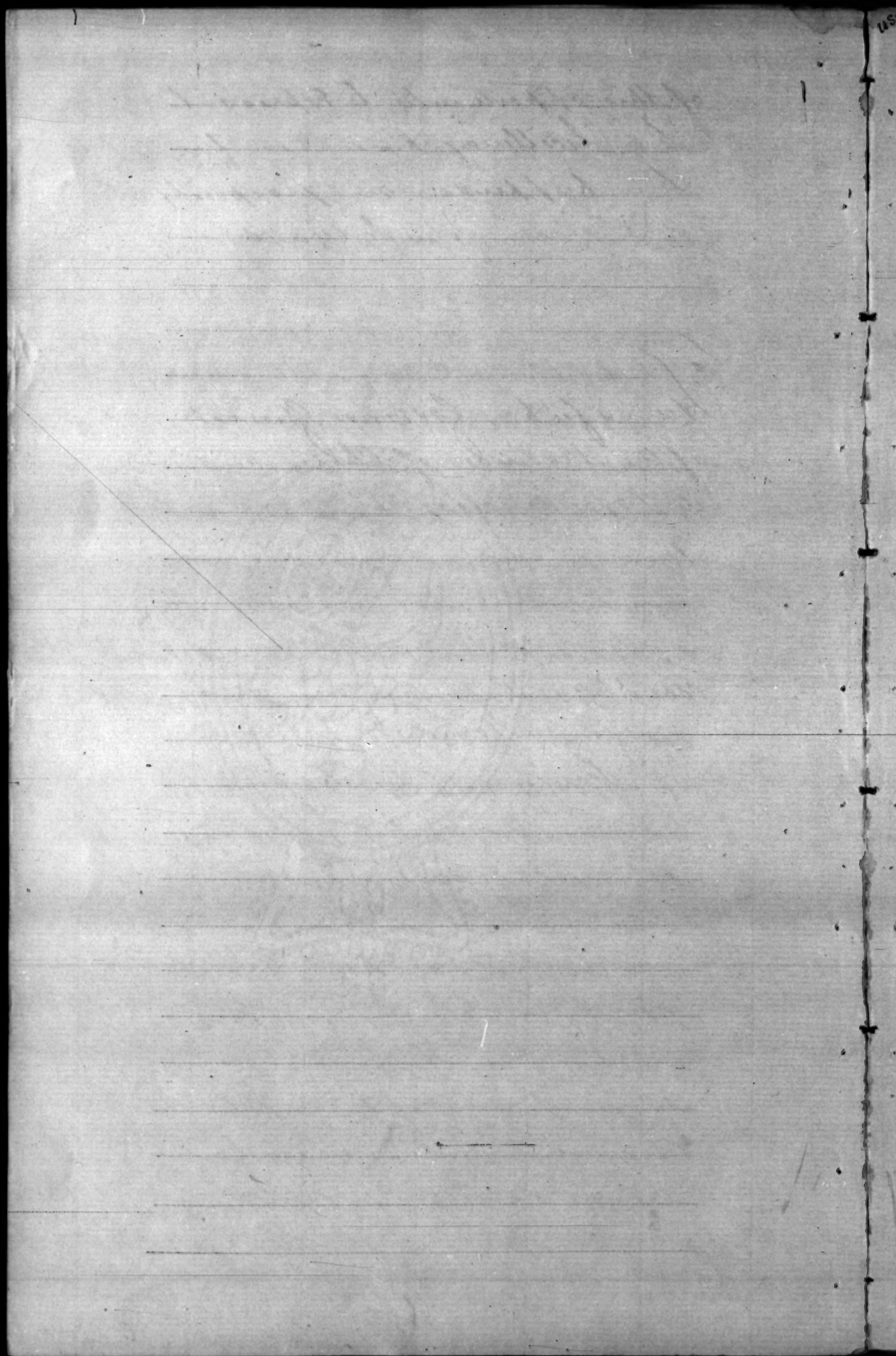
To  
Nangfuk, Governor General  
of the Province of Chili and  
its Dependencies, &c, &c, &c,

True Copy

Geo. W. Heard Jr.

Secretary of the Legation  
of the United States





2<sup>a</sup>

Copy

Haugfisk, President of the Board  
of War, Governor General of the  
Province of Chili &c &c addresses  
this communication in reply.

On the 12<sup>th</sup> day of this moon,  
(29<sup>th</sup> of July), I received Your  
Excellency's communication,  
in which Your Excellency states  
that You have received instructions  
from Your Honorable Country  
to repair to the Peiho River when  
the Allied forces should approach  
there to see if You could be  
of any service in arranging  
the misunderstanding now  
pending between the Allies  
and our Country.

I see from the  
above communication how  
firmly Your Honorable Country  
thinks of its old friendship in  
sending Your Excellency from  
such a distance in order to  
settle



settle our affairs, for which I  
remain extremely thankful.

If the  
English nation had come last year  
to Lientuin to exchange the Treaty,  
why did they bring with them  
men of war, and first open fire,  
and destroy our defenses, causing  
the breach of peace and amity  
between the two Countries.

Our August Emperor, in  
his great humanity and extreme  
bounty, had no desire of em-  
ploying his soldiers, lest the  
people and militia of the two  
Countries should suffer from it,  
with great disadvantage to Trade.

English and French  
vessels have arrived, and have  
accumulated on the sea.

Whether their intention is  
for war or peace, I do not know.  
If it is to fight, our Empire  
has only to prepare our  
soldiers to receive them; but

if

if it is to deliberate on peace,  
since we have received Your  
Excellency's offer to speak about it,  
certainly it is hoped that the  
affair may be treated peaceably  
and without partiality.

As the defenses  
at Peking are now all removed,  
may I ask Your Excellency to  
make the Allies acquainted with  
it, in order that they may go to  
Peking to exchange the Treaty.  
in the same way that Your  
Hoble Nation did last year;  
and would furthermore request  
Your Excellency to ask the  
Ambassadors of the two Nations  
England & France to enter the bar  
on the same day, and select a  
place to have a consultation:  
And I shall be extremely obliged  
for all Your kindness.

Moreover I  
expect the favor of Your  
answer, wishing You at  
the



the same time all happiness—

Therefore I  
send to Your Excellency this  
important communication.

The above communication is  
sent to the Honorable (His  
Excellency Mr. Ward &c. &c.)

Hien Tung, 10th Year, 6th moon  
15th day, (August 1<sup>st</sup> 1860.)

True Translation

(Signed) J. Marquis

Act<sup>y</sup> Int. to the U.S. Legation.

True Copy

Geo. W. Heard Jr.

Secretary U.S. Legation.

3<sup>a</sup>

Copy

Legation of the United States  
U.S.S. Hartford  
Gulf of Pecheli  
August 2<sup>nd</sup> 1860

The undersigned,  
Envoy Extraordinary & &  
has this day received Your  
Excellency's communication,  
and is gratified to learn that  
the friendship of the United  
States is understood and  
appreciated by Your Excellency.  
The  
undersigned, without expressing  
any opinion upon the merits  
of the controversy, now so  
unhappily existing between  
China and England & France,  
must inform Your Excellency  
that there is no possibility of  
obtaining the assent of the  
Ambassadors of England & France  
to the suggestions contained  
in Your Excellency's communication,  
and



and the undersigned fears  
that hostilities will have  
commenced before this  
reaches You.

The undersigned  
assures You & all of his  
wishes for Your happiness -  
(Signed) John E. Ward

To Hangaib, Governor General  
of the Province of Chili, and  
its Dependence, President of  
the Board of War, &c. &c.

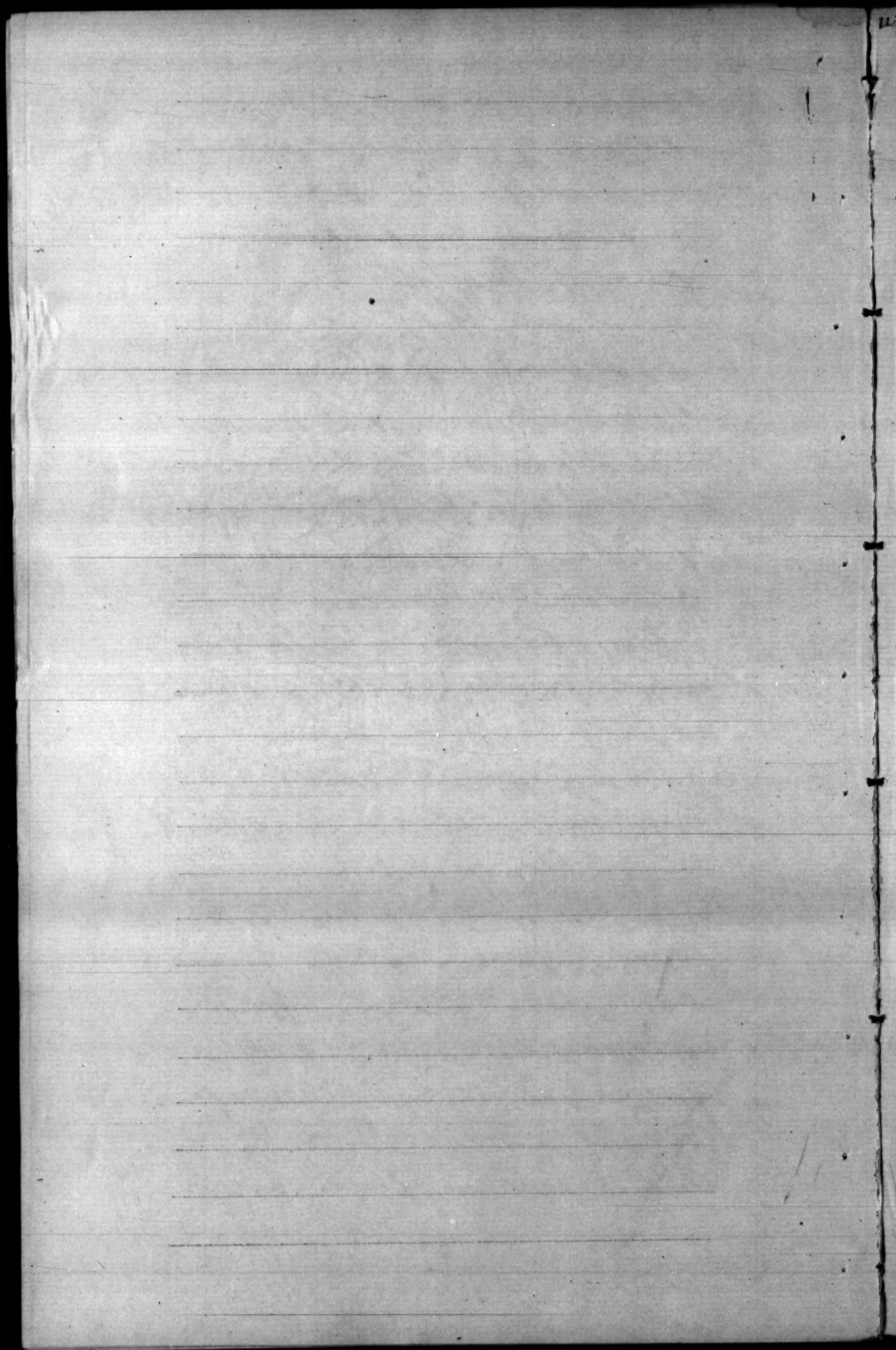
True Copy

Geo. W. Ward Jr.

Secretary U.S. Legation







Hanfu, President of the Board  
of War. Governor General of the  
Province of Chili & & &  
Sends again this official  
Communication in reply:—

On the 17<sup>th</sup> of this moon (August 3.)  
I received Your Excellency's answer,  
saying that there was no possibility  
of obtaining from the Ambassadors  
of England and France their  
assent to the suggestions contained  
in my former Communication,  
and that Your Excellency was  
afraid that hostilities would  
have been commenced before  
Your Communication reached me.

On examining the beginning  
of the War in the 8<sup>th</sup> Year of Kien Fong,  
(1858), I find that the English  
Nation wounded our officers  
and soldiers, and destroyed our  
forts. Upon the arrival of their  
men-of-war at Tientsin, our  
August Emperor feeling compassion  
for



for the enormous population of this Country, and deeply cherishing great kindness in his heart, did not adhere to some little points but acceded for the time being to the requisitions, which the English Nation made at its pleasure. In making a regulation it must be done by mutual consultation; why then will she manage it relying on the bravery of her army.

On the 9<sup>th</sup> year, (1859), if the English Nation had come to Exchange the Treaty, she ought only to have employed one or two vessels, and come hither; what necessity was there of bringing so many ships and soldiers?

Our Gov<sup>t</sup>, upon the arrival of the English and French ships sent to them a communication, instructing them to go to Peking to Exchange the Treaty; but no answer from them was received: suddenly they accumulated like bees

bees at the bar, & first opened fire.

At that time they thought that our troops could never come in competition with theirs, even to the tenth part of it, and whether by sea or land, a victory was certain; and so they insulted us in a small degree, but they obtained their defeat by their own actions.

Notwithstanding that, our August Emperor in his extreme bounty sent even an Imperial Commissioner to Shanghai to manage the affairs of commerce and preserve old friendship. In this manner, the intention of our Govt was not to employ force, as all Nations, I think, will fully understand.

Our August Emperor, cherishing the greatest tenderness for strangers from afar, and having lately heard that the English and French Nations were coming to an Empire, ordered the removal of the defenses and troops from Peking,



Pektang, in order that they might  
Come on shore and treat of peace:  
but having unexpectedly arrived  
at the bar some days ago, no  
communication was sent in,  
And all of a sudden, on the 15<sup>th</sup>  
of this moon, (1<sup>st</sup> Aug), the sailors  
& land forces came on shore and took  
possession of Pektang village,  
causing the inhabitants great  
alarm. On the 16<sup>th</sup> (Aug 2<sup>nd</sup>),  
they formed their troops in ranks,  
but our Govt would not yet send  
its troops to meet them. On the  
17<sup>th</sup> (Aug 3<sup>rd</sup>), as their troops  
again opened fire against us,  
and our Govt being obliged to  
oppose them has only ordered the  
leaders of the troops to resist the  
enemy without engaging in battle  
with them.

Having in view our  
August Emperor's great forbearance,  
our wish is to give weight ~~for~~ our  
old friendship. but it is impossible  
to

45  
L<sup>a</sup> 2.  
to be engaged in war and peace  
at the same time.

If their intention is for peace  
what necessity is there of intentionally  
employing soldiers, in order to  
support their ideas. They can at  
once determine a day for an  
interview, and then proceed to  
taking to exchange the Treaty,  
as Tom Noble Nation did last  
year. In this manner troubles  
can certainly be avoided. But if  
the English and French Nations  
idea is decidedly for war, the  
sea and land forces of our  
country are all prepared; and  
although Pentang has already  
been taken there is no difficulty  
to direct our troops, and to fight  
with them.

But we fear the two Nations  
French and English will again  
meet their defeat, and afterwards,  
it will become more difficult  
to come to peace.

During



During all this time our  
Government has been spending  
and well-disposed towards them  
in no small degree: and since Your  
Excellency has come for friendship,  
may I beg You to communicate  
our intentions to the two Nations  
English and French, availing  
ourselves of this opportunity  
in which no injury has  
yet been done to either  
side, we could recall our  
troops, and desist from  
hostilities, and in conformity  
with what was done last  
year, enter the Capital and  
exchange the Treaty for the  
preservation of peace & amity.

In this manner the merchants  
and people of every nation  
will enjoy happiness.

If Your Excellency should  
not communicate to the Allies  
this our intention, and they,  
having no certainty that the  
victory

victory will be on their side. Should  
again be inspired, I fear that  
Your Excellency, Yourself would  
not be able to face the two  
Nations, nor would Your  
friendship for them be sincere.

If within three days  
the English and French do not  
send any answer, our Govt  
will have nothing to do  
but to fight. Moreover the  
use of soldiers on land is  
not the same as on the sea.

If the English and  
French will not understand  
that our army has been  
yielding & forbearing to them,  
but will persist in their self  
confidence, our generals  
will employ their forces, and  
should the two nations meet  
with another defeat, not  
only will there be a great  
hindrance to peace, but  
their Ambassadors also  
will



will find it difficult to return  
to their Country, and give an  
account of their Mission.

I send therefore this  
second answer to Your  
Excellency, the Important  
Communication

Nien Pong, 11<sup>th</sup> Year 17<sup>th</sup> day, (Aug<sup>3</sup>. 1860)

To  
His Excellency

John E. Ward,

Env. Extr. Min. Plenip. to &c &c

True Translation

J<sup>r</sup> M. Marguery  
Acting Interpreter to the  
U.S. Legation

True Copy

Geo. W. Steadby  
Secretary United States Legation

5a

Copy

Legation of the United States

U.S.S. Hartford

Gulf of Pecheli

August 11<sup>th</sup> 1880

The undersigned Envoy Extraordinary and Minister Plenipotentiary of the United States to to has this morning received Your Excellency's communication of the 3<sup>rd</sup> inst.

The undersigned cannot enter into a discussion with Your Excellency upon the merits of the difficulties now unhappily existing between China and England & France.

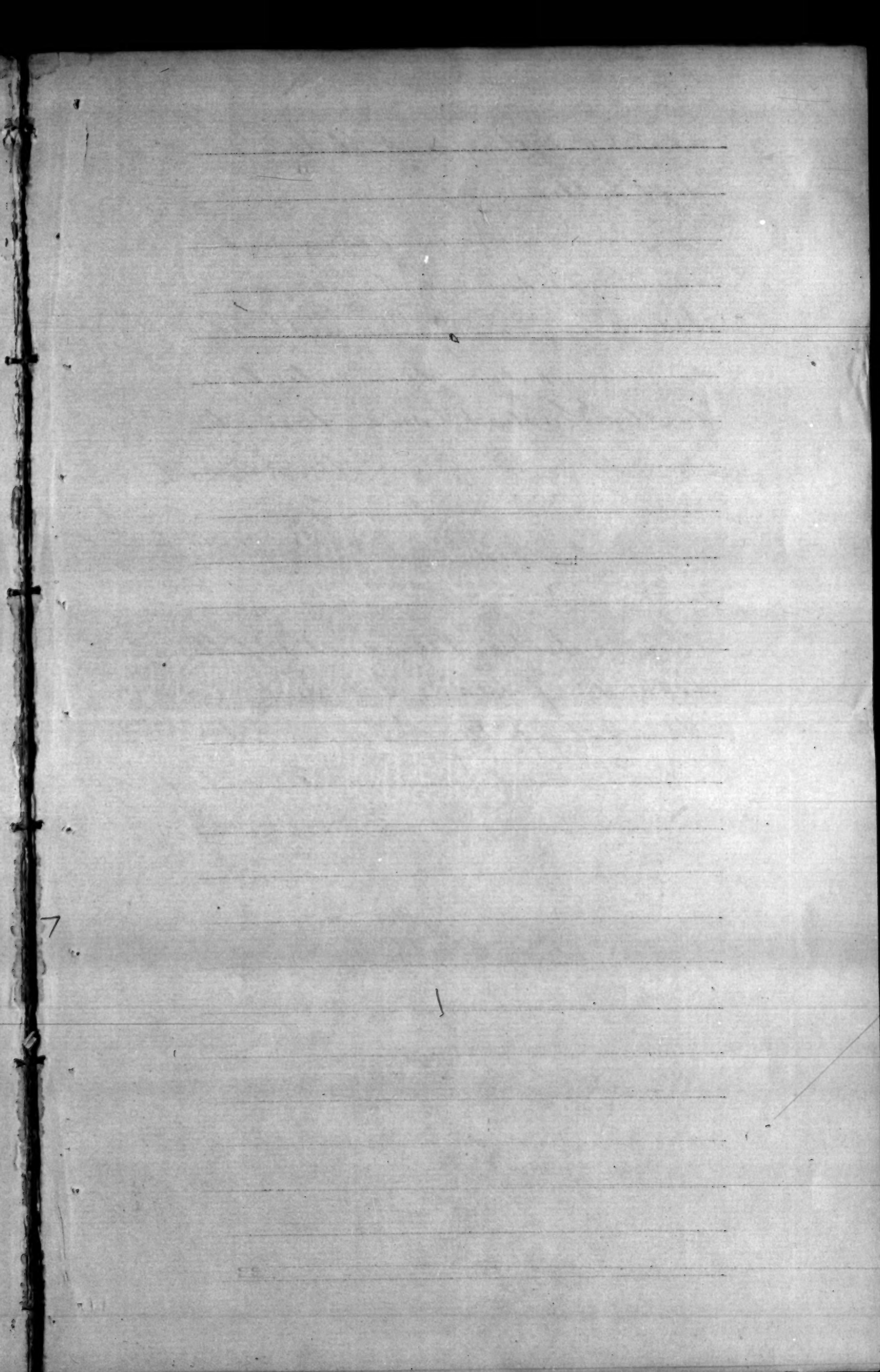
His Government being upon terms of friendship alike with England France and China he would have been rejoiced if in any manner he could have been useful in bringing about



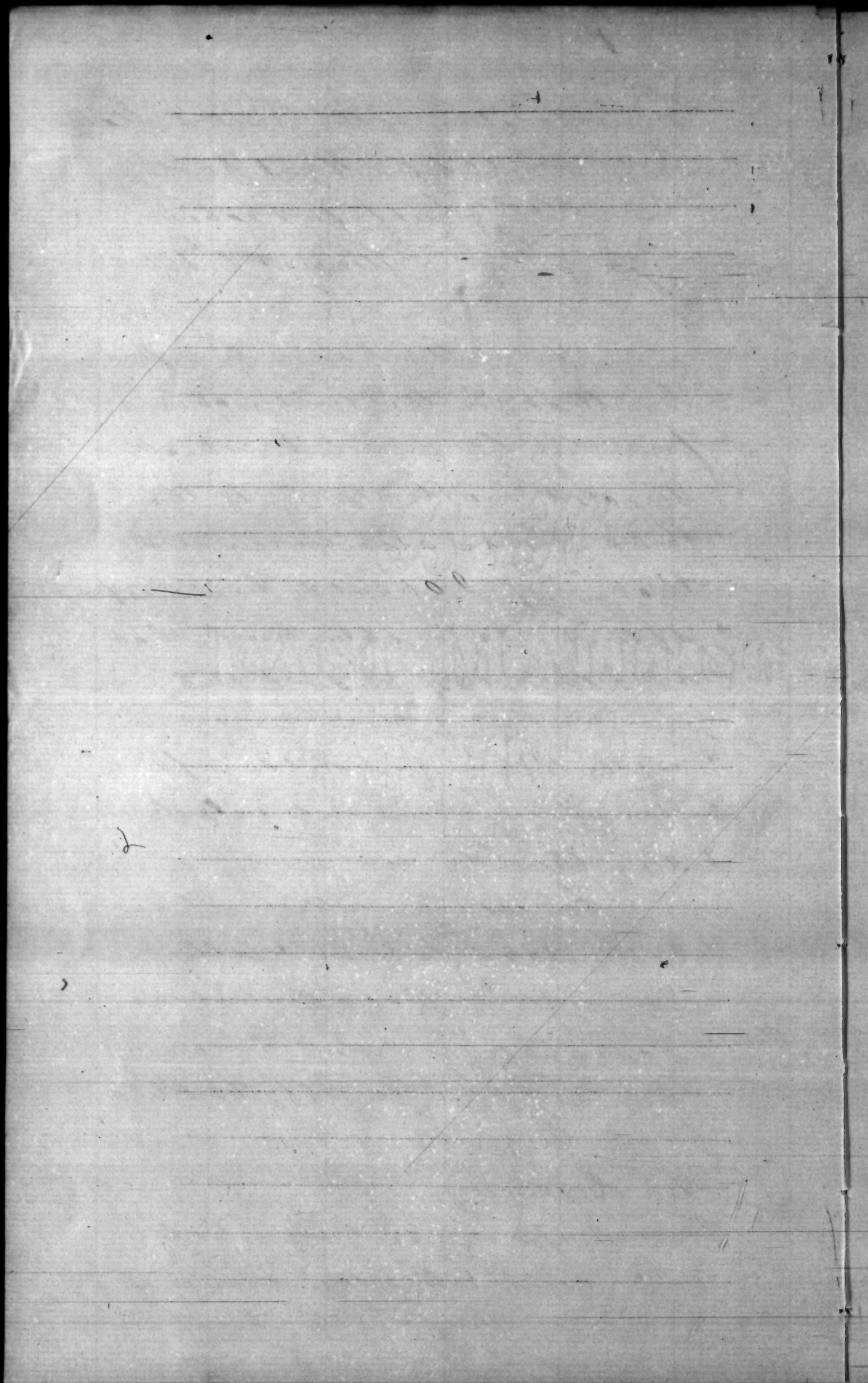
about a settlement of their  
difficulties.

The undersigned,  
in compliance with Your  
Excellency's request will  
communicate Your intentions  
to the English and French,  
John & Wood

To  
Hang-pih, President of the  
Board of War, Governor  
General of the Province of  
Chili, and its Dependencies &c,







16

Copy

Legation of the United States  
U.S.S. Hartford

Gulf of Pecheli

August 7<sup>th</sup> 1860

Sir,

I have the honor to inform  
You that in the instructions  
from my Government, which  
directed me to repair to the  
Peiho, I was also instructed  
that "if I should be satisfied,  
"after a reasonable time, that  
"no advantage was likely  
"to result from my presence  
"off the Peiho, I should inform  
"You of my views and intentions  
"and then &c &c

For reasons which I have  
fully stated to You orally,  
I am well satisfied that no  
advantage is likely to result  
from my presence off the Peiho

at

To His Excellency

Major General Ignatieff  
Env. Extr. & Min. Plenip. of  
Russia to China

&c &c &c



at this time.

I propose, therefore, to leave  
this day, but in compliance  
with Your request will remain  
in the Gulf of Pecheli, within  
communicating distance, until  
towards the end of this month,  
and if in Your judgement, I  
can be of any service by  
returning here, and You will  
address me a letter directed  
to Cheefos. I shall be most  
happy, if I should be able to  
satisfy myself that it was my  
duty to return.

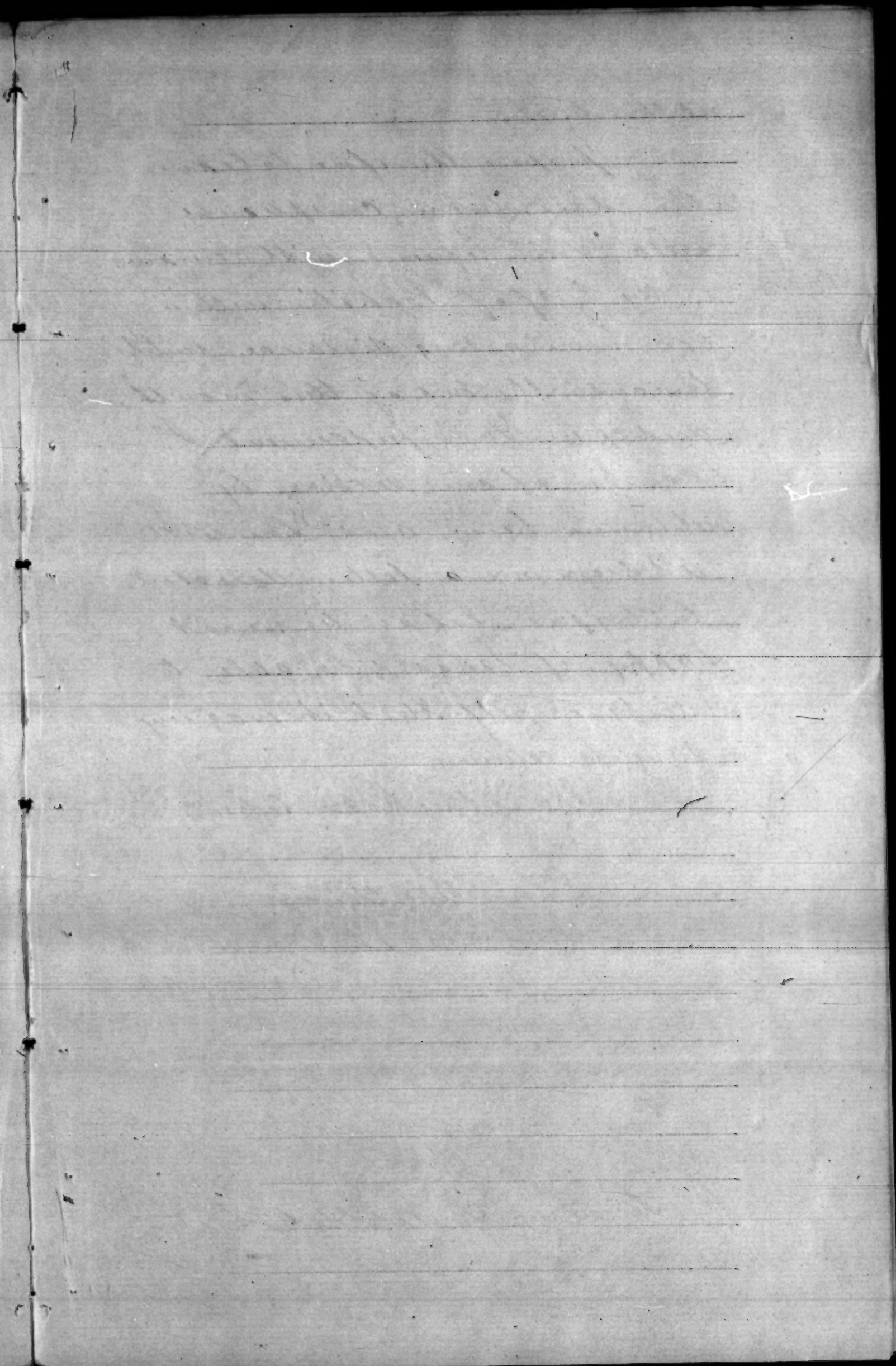
I have the honor to be

Sir,

Your Excellency's  
Most obedient servant  
John. E. Ward

True Copy

Geo. W. Bead &  
Secretary United States Legation





China (W) - 2 -

Reid H. New Mr Smith China<sub>3</sub>  
Official No 17.

Legation of the United States  
Shanghai, Sept<sup>r</sup> 3. 1860

Sir,

I have the honor to inform  
you that whilst lying at Chefoo  
in compliance with the request  
of the Russian Minister as stated  
in my last despatch, I received  
intelligence by the "Saginaw" on  
the 21<sup>st</sup> August, that the Rebels  
were advancing on Shanghai,  
and that there was great alarm  
among the foreigners at that  
place. Immediately left the  
"Hartford", and requested  
Commodore Stirling to proceed  
as rapidly as possible to Shanghai,  
where he arrived on the 25<sup>th</sup> ult.

Proceeded in the "Saginaw"  
to inform the Russian Minister  
that

To  
Honble Lewis Cass  
Secretary of State

7c

7c -



that as Shanghai appeared to be in danger I could not remain longer in the Gulf, but must proceed at once to that place. I arrived here on the same day with the "Hartford".

On my arrival at Shanghai I learned that the Rebels had approached the City in large numbers, but had committed no act of hostility whatever against the foreigners, and had not injured, or attempted to injure, the person or property of any foreigner, and when fired upon by the Allies, they retreated without returning the fire. It is evident that they had been deceived by foreigners who had from time to time been visiting them at Soochow, and selling them opium, arms and ammunition, and to ingratiate themselves with the Rebels they had told them that foreigners would not object

object to their taking the Chinese city. So soon as they found they had been deceived they retired from the City, very much incensed as great numbers of them had been killed and wounded, and by proclamations they have threatened to return and destroy the foreigners at this place.

This, however, is but a threat; I have no apprehension whatever of any attempt on their part to take the City of Shanghai. Should such an attempt be made however, the force is ample for the protection of the place.

No part whatever will be taken by the American forces except to protect the foreign settlements, if an attack should be made upon that. Commodore Stribling entirely concurs with me in opinion that as between the Rebels and the Imperialists  
the



the most rigid neutrality should be observed by us, and that consequently we can give no aid to the Imperialists in the protection of the native City of Shanghai.

The Allies, however, taking a different view of the matter are resolved to defend that place, and large reinforcements have arrived within the last two or three days for this purpose.

Until the repulse of the Rebels the avenues of Trade and Commerce had been kept open: they have now, however, put an end to all Trade, and as they are in possession of almost the entire province, it is difficult to say, when the merchants may hope for a renewal of Trade.

On the morning of the 21<sup>st</sup> August; the Taku Forts were attacked by the Allies and very soon surrendered, with

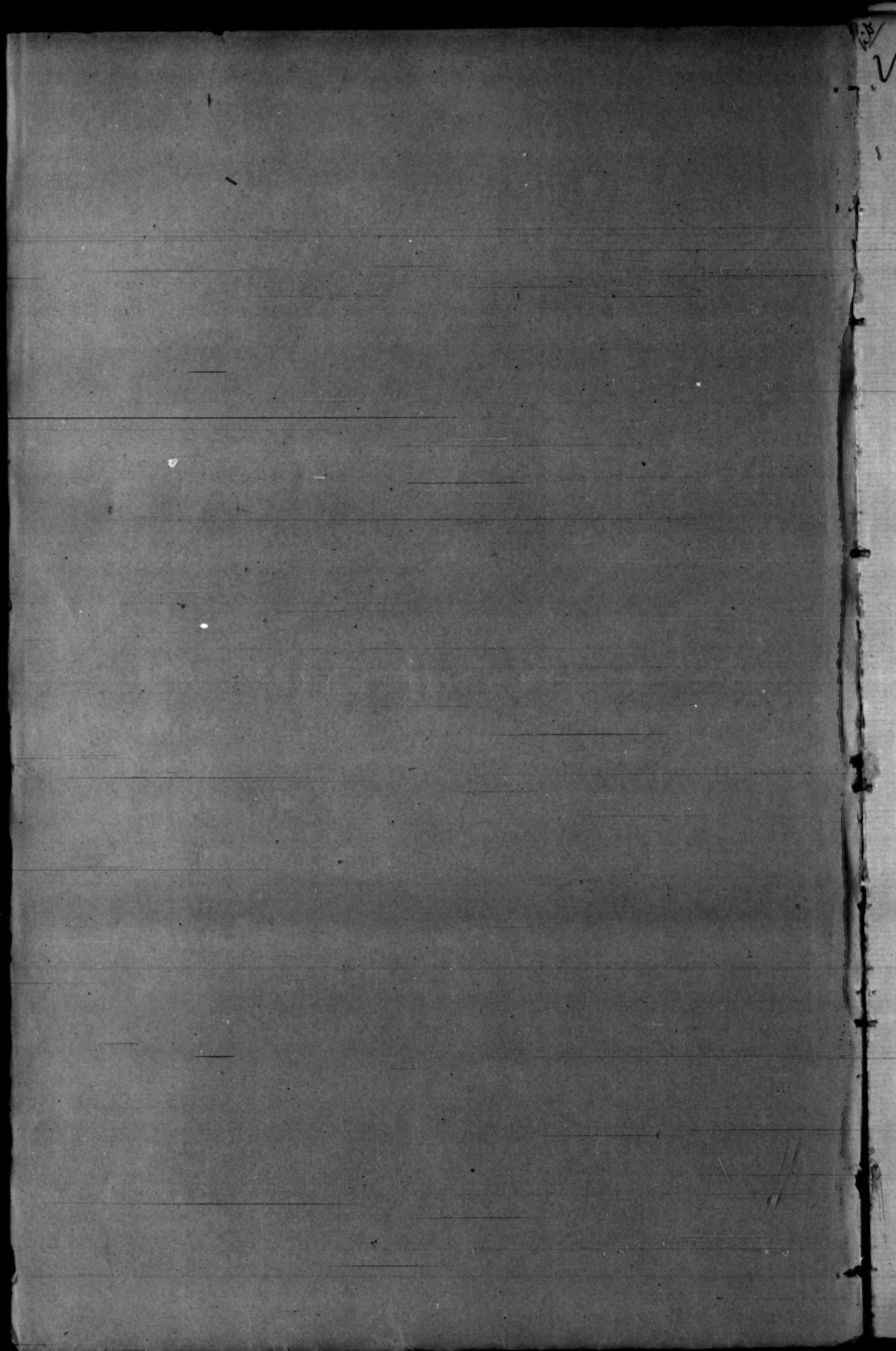
with little loss of life on the part of the Allies; great numbers of the Chinese are said to have been slaughtered.

Lord Elgin and Baron Gros are now in Tientsin, to which place Kveiliang has been sent by the Emperor to arrange the existing difficulties. This arrangement meaning of course the submission by the Chinese to such terms as their conquerors may dictate. The question now to be solved is how far will this humiliation of the Emperor, and opening of Peking to political intercourse tend to the elevation of the Rebels, and consequent destruction of Commerce?

I have the honor to be  
Sir

Very respectfully  
Your obedient servant  
John. E. Ward





Official No. 18

Wm Mr 30<sup>a</sup>

Legation of the United States  
Shanghai

Sept 20<sup>th</sup> 1880

Sir,

I have the honor to inform You  
that since the date of my last  
despatch I have received intelligence  
from the North that all matters  
in dispute between the Allies and  
the Chinese Government had been  
adjusted, the Chinese having  
yielded to all the demands of the  
Allied Ambassadors.

Some difficulty, however, was  
created at the signing of the convention  
by the failure of the Chinese Com-  
missioners to produce credentials  
satisfactory to Lord Elgin: they  
asked for one days delay which  
was denied them, and the army  
was ordered to march on Peking

Very

The Honble Lewis Cass

Secretary of State

to,

to,

to,

to,



They were, however, met on their way with information that their demands had all been granted by the Supreme Council. Lord Elgin and Baron Gros proceeded on with the army to Tangchow, (twelve miles from Peking,) where they expected all matters to be finally arranged for their entrance into Peking.

The Forts at the mouth of the Peiho River have been, or are to be destroyed, with the exception of one which is to be garrisoned by the Allied Forces. Tientsing is to be made an open port, and the way to Peking open to all who may desire to go there.

Shanghai is at present perfectly quiet, and no apprehension whatever is felt on account of the Rebels.

A very large English and French force has been concentrated here, which makes the place perfectly secure.

The Rebels do not cut off all Trade, but

but greatly impede it. and levy a tax  
upon all produce passing through  
their lines.

It is my intention to  
leave sometime during the next  
week, on a visit to the different  
open ports, there being no longer  
any necessity for my remaining at  
this place.

I have the honor to be  
Sir

Very respectfully

Your obedient servant

John. E. Ward



✓

11

✓ Official N-79.

~~Rev Mr~~ Mr Gerrish

Legation of the United States  
Shanghai

September 29/1880

Sir,

I have the honor to  
acknowledge the receipt of  
Despatch N<sup>o</sup> 17. with the enclosure.

There is nothing due  
to the estate of the Reverend  
William Aitchison on account  
of his services as Interpreter in  
my employment.

Mr. Aitchison accompanied  
me to Peking at his own request  
and with the distinct understanding  
that his expenses would be paid,  
but no other compensation. Having  
been taken sick, however, on the  
Journey, all of his expenses for  
that sickness were defrayed by  
me.

Honorable William Henry Trescott  
Acting Secretary of State  
Washington



and my return to Shanghai,  
an additional sum of money  
was given to Dr. Williams, to  
construct a tablet to his memory.

I have the honor to be

Sir

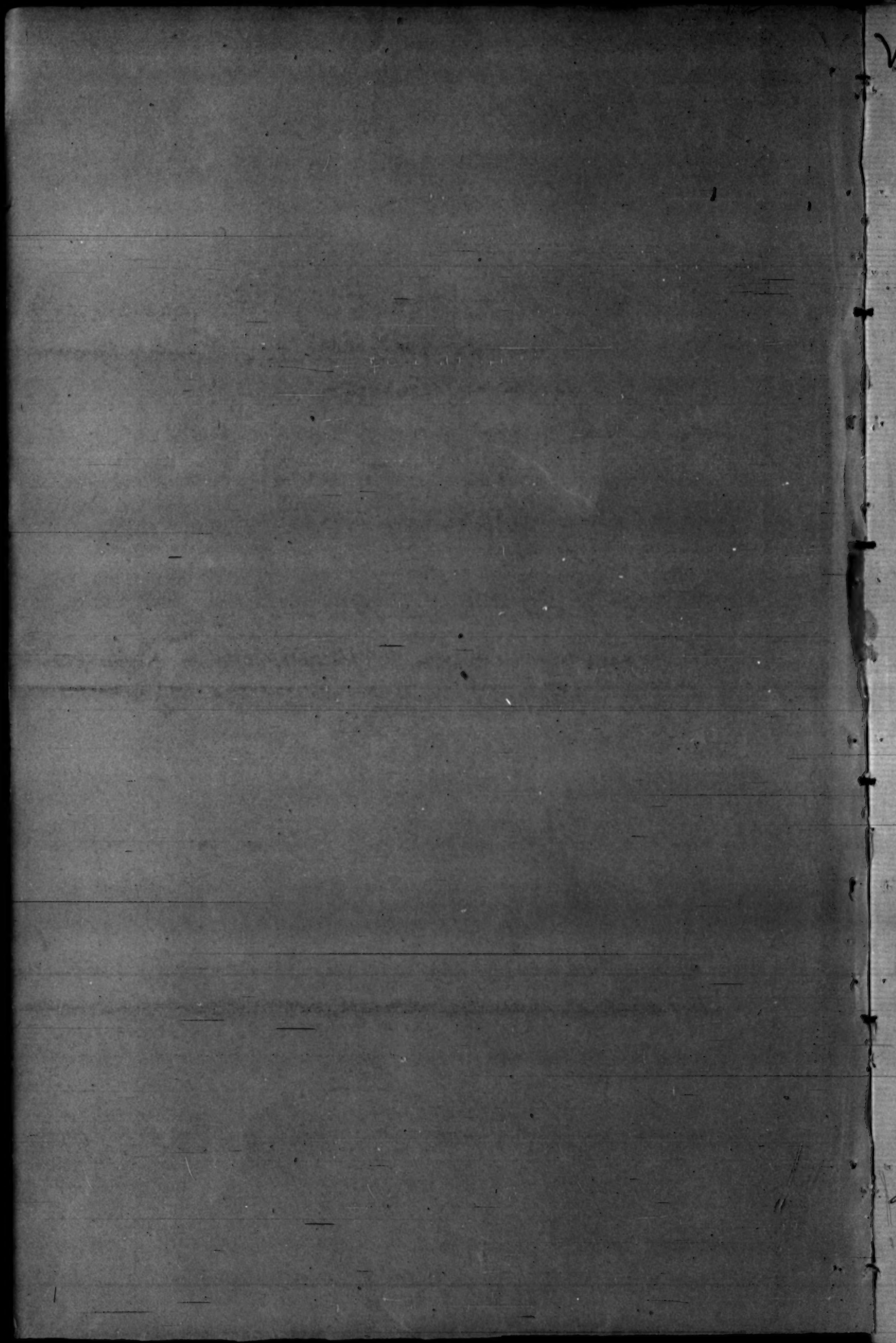
Very respectfully

Your obedient servant

John. E. Ward







V

Rev. H. Sec. Mr. Seward

Official N<sup>o</sup> 20.

Legation of the United States  
Shanghai

September 29. 1860

Sir,

I have the honor to  
inform You, that on the 22<sup>th</sup> inst.  
I received a communication from  
Lieb, Acting Imperial Commissioner,  
and Superintendent of Trade at the  
Five Ports &c &c, informing me  
that Jenkins, a citizen of the  
United States (and Consular In-  
terpreter) had been furnishing  
the Rebels with powder and guns -  
a copy of which I herewith enclose  
with my reply thereto (Encl. 1<sup>a</sup>. 2<sup>a</sup>).

I also immediately ad-  
dressed a communication to  
Consul Smith, instructing him  
to arrest Mr. Jenkins. I have  
him tried for the charge preferred  
against

Honble Lewis Cass

Secretary of State



against him, a copy of which  
Despatch I herewith send. (Encl 3<sup>rd</sup>)

Mr. Jenkins was accordingly  
arrested and placed under bonds  
for his re-appearance, and Saturday,  
the 29<sup>th</sup> inst. appointed for his  
trial. The proceedings which  
were then and there had, will  
fully appear by reference to a  
communication this day received  
from Consul Smith. (Enclosure 1<sup>st</sup> 2<sup>nd</sup>.)

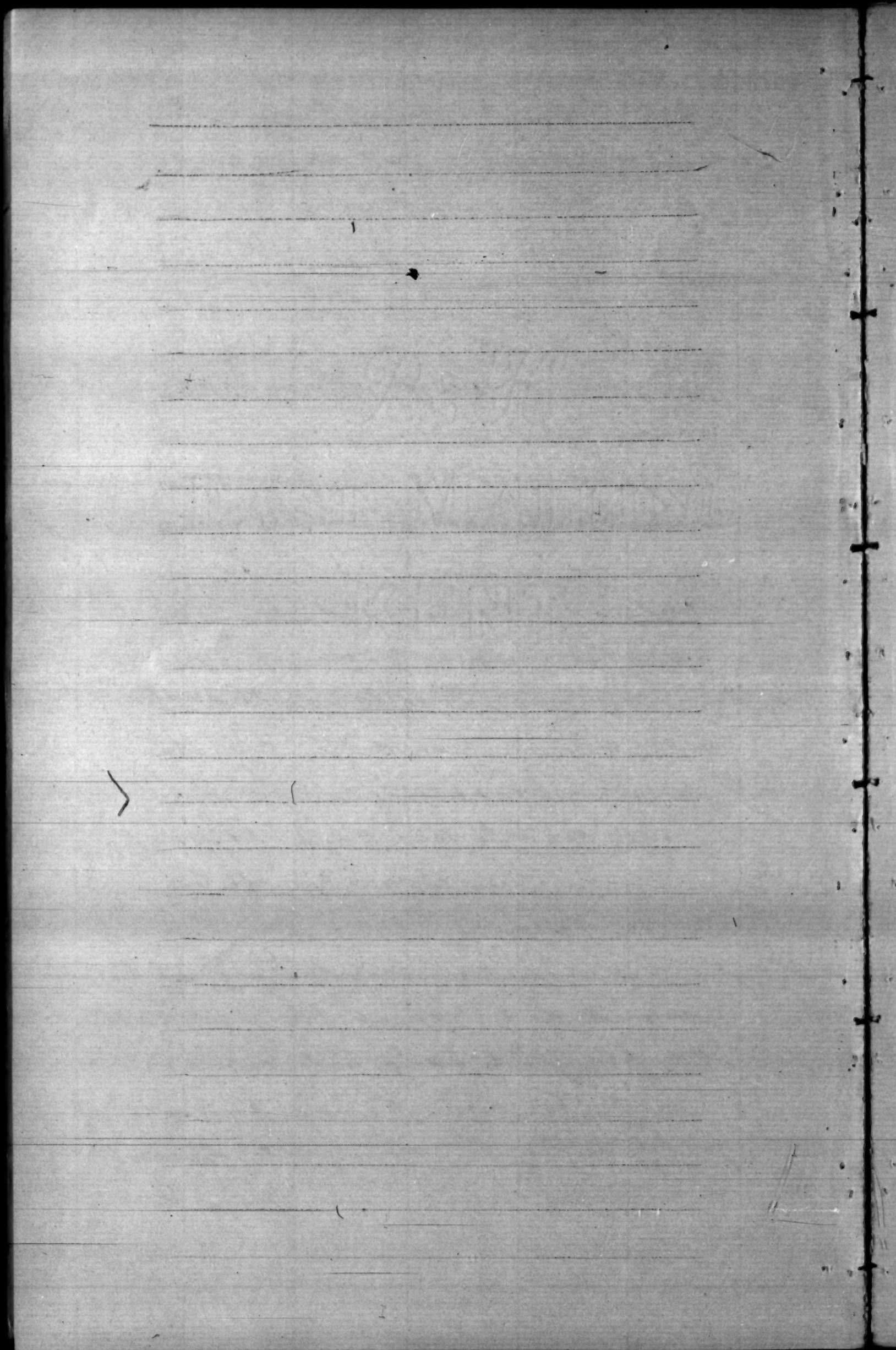
I have the honor to be  
Sir

Yours respectfully  
Your obedient servant

John B. Ward







Lieh, Acting Imperial Commissioner  
and Superintendent of Trade at  
the Five Ports, makes this commun-  
ication

On the 5<sup>th</sup> day of the  
8<sup>th</sup> moon, I received Your Excellency's  
reply which says -

" That the Imperialists are at war  
" with the people of China, that  
" your honorable country had  
" already determined by law,  
" prohibiting intercourse, &c &c

In reply I beg to say that the  
Long Haired Banditti are the  
rebellious people of China;  
according to the fixed laws of  
China, they ought all to be  
decapitated.

Since your honorable country  
would not assist China, neither  
ought you to have intercourse  
with the Long Haired Banditti.  
If foreigners have intercourse  
with the Long Haired Banditti,  
that



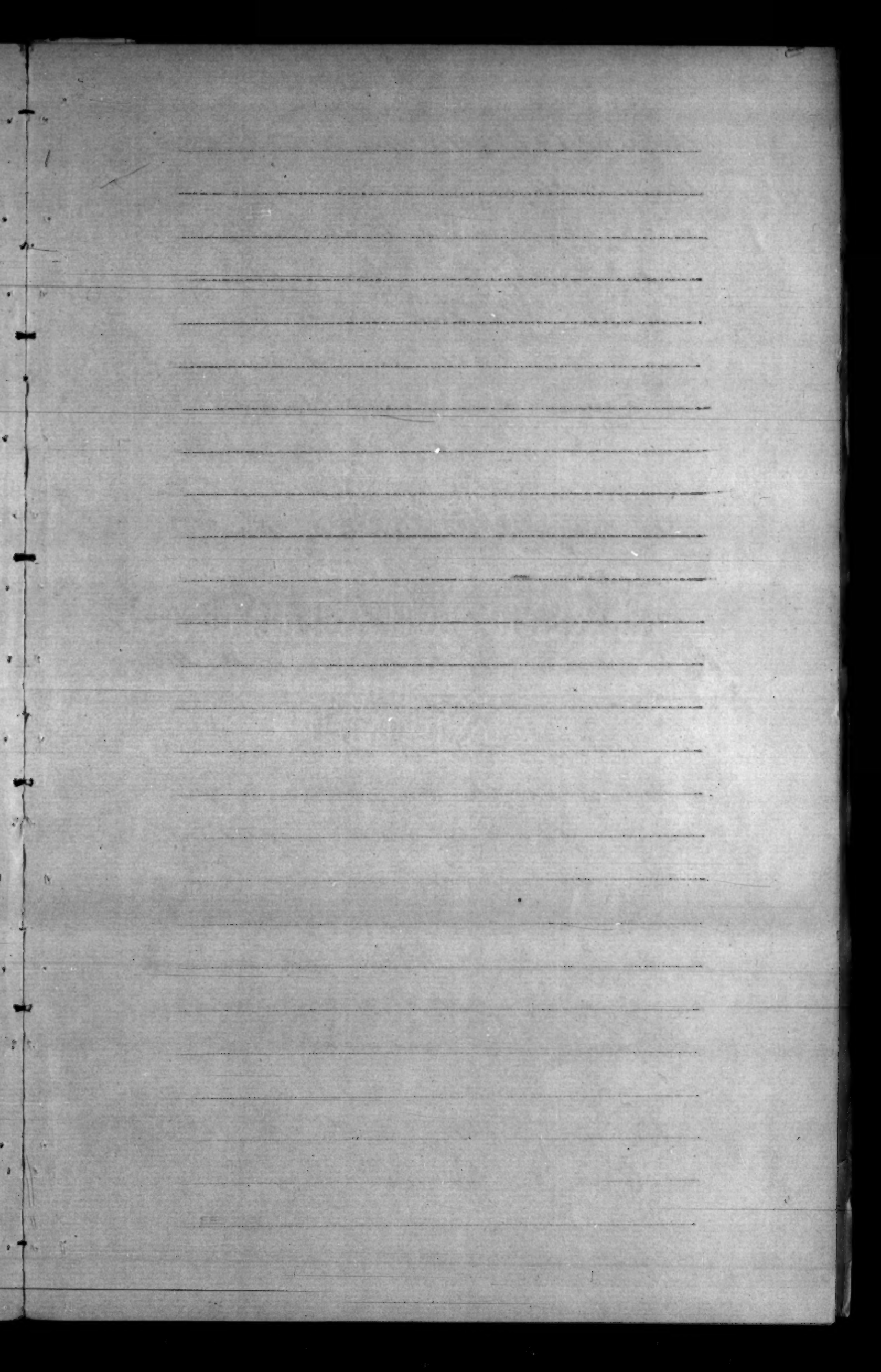
that would be the same as abetting  
the Rebellion.

Now I found that Jenkins,  
a citizen of your honorable  
country, has had intercourse  
with the Rebels at Sochow, and  
supplied them with powder and  
guns. It is my duty to request Your  
Excellency to summon him before  
You, and to investigate the  
matter; and strictly to forbid  
the citizens of your honorable country  
from having intercourse with the  
Long Haired Banditti.

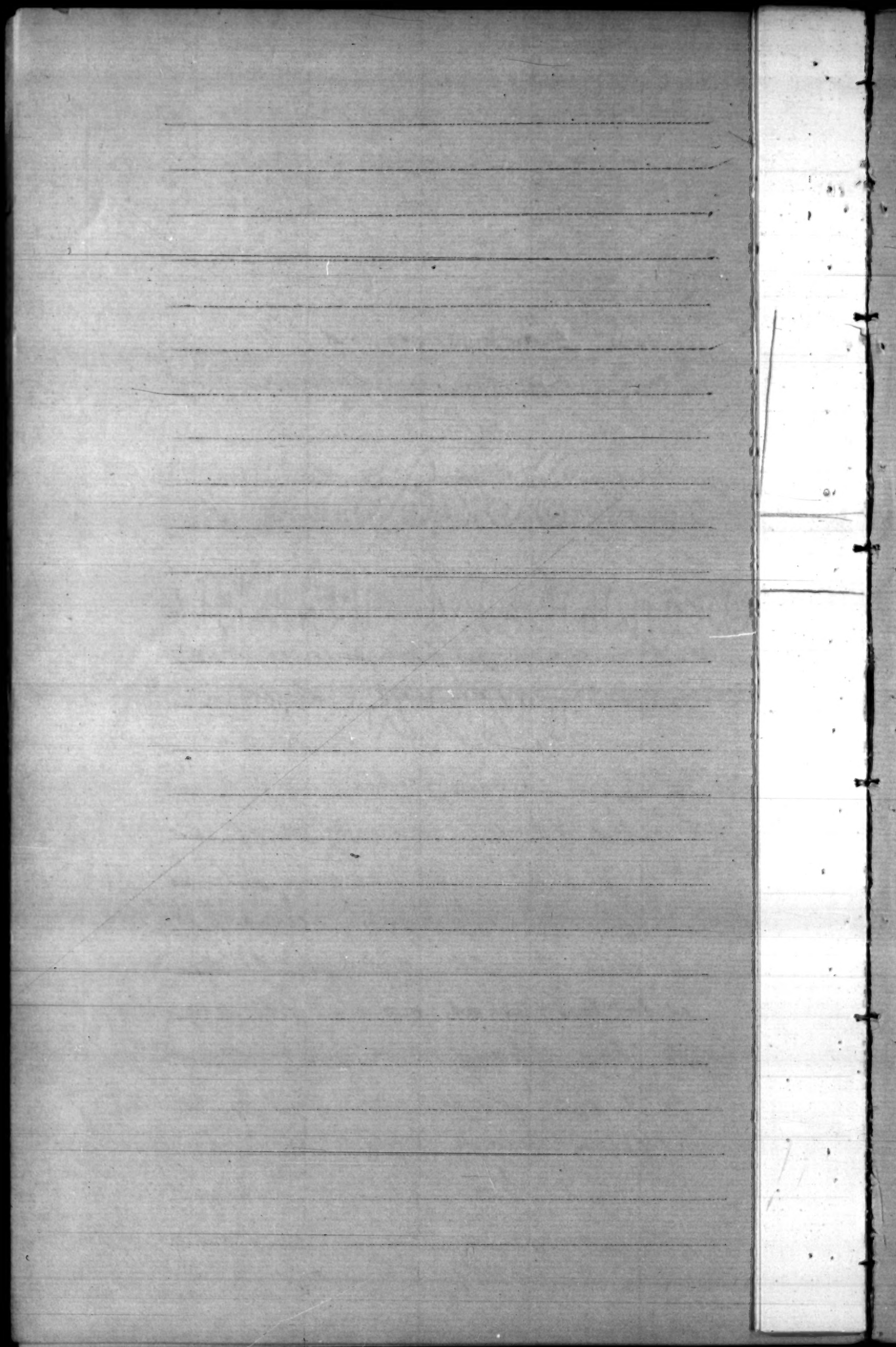
Which is extremely important.  
Hoping at the same time you  
will favor me with a reply to  
this communication.

To His Excellency Mr. Ward Minister  
Plenipotentiary of America, resident  
in China,

Hien Tung 10th year. 8th moon 10th day  
(September 21st 1860)







Copy

29

Legation of the United States  
Shanghai.

September 26 1860

Sir,

I have received Your  
Excellency's communication of  
the 24<sup>th</sup> September.

The citizens of the United  
States have been strictly for-  
bidden from furnishing arms  
or ammunition to the Rebels  
or from joining them, or in any  
manner aiding or assisting  
them against the Imperial  
Gov<sup>t</sup>: and any citizen of the  
United States convicted of so  
doing would be severely punished.

I have instructed

Consul Smith, whose duty it  
is to try such cases, to inquire  
into the Charge against Jenkins,  
and if he has been guilty of the  
offence to see that he is punished.

I have also to request

Yours



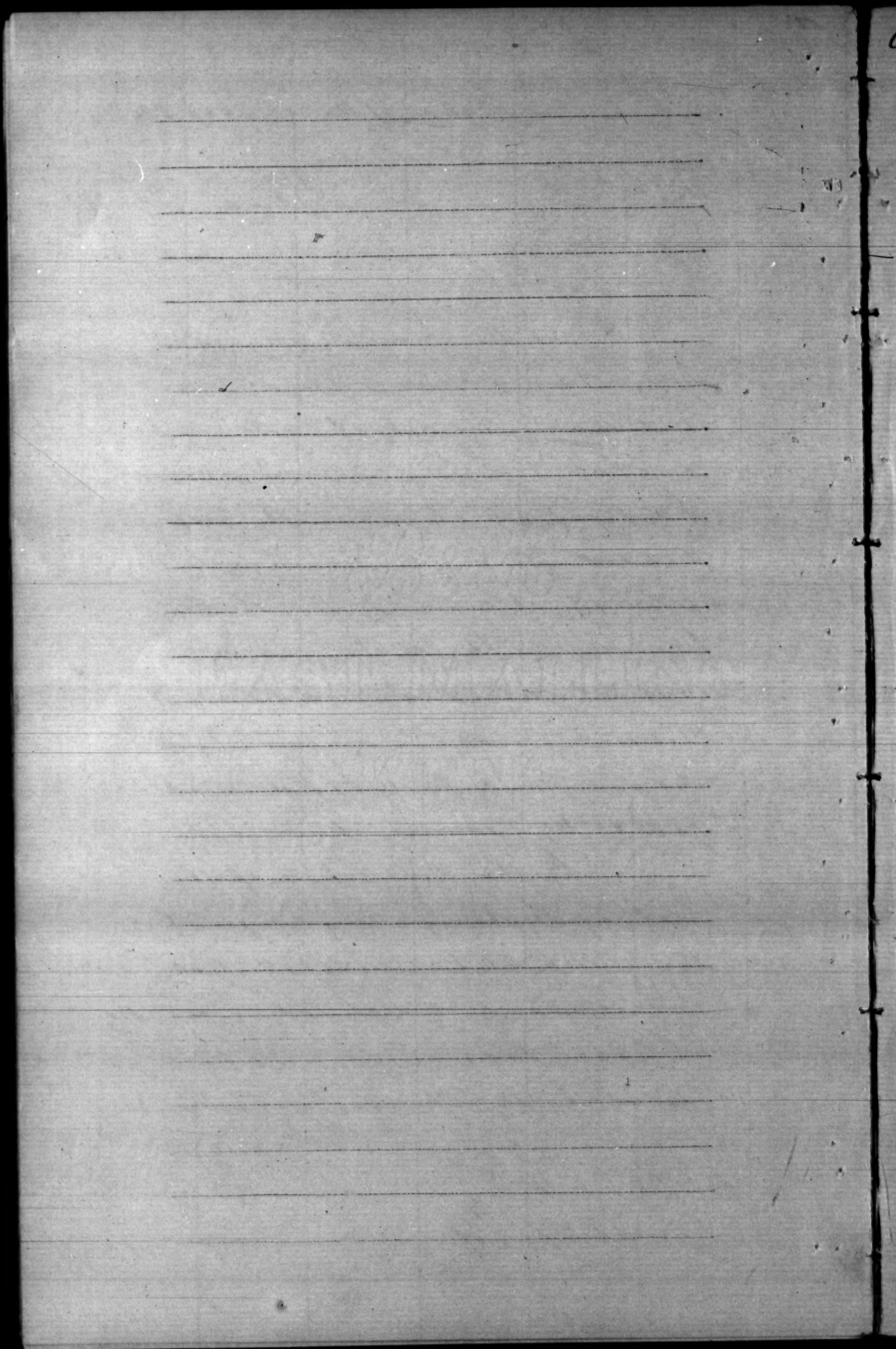
Your Excellency to instruct Wos.  
the Intendant of Grenada &c &c  
to furnish Consul Smith with the  
names of witnesses and such  
other evidence as he may be  
able to procure to sustain the  
Charge against Jenkins  
Signed, John Edward

To  
Lieut. Acting Imperial Commissioner  
and Superintendent of Trade  
at the Five Ports &c &c

Truly  
Yours  
Geo W Heath  
Secretary to Legation







Copy

3<sup>a</sup>

Legation of the United States  
Shanghai

September 26 1860

Sir,

I have this morning received from Lieh, Acting Imperial Com<sup>r</sup> and Superintendent of Trade at the Five Ports &c &c a communication, a copy of which I herewith enclose, and ask for it your immediate and prompt attention. If Mr. Jenkins has been guilty of the gross misconduct charged against him, it certainly becomes your duty to dismiss him from office, and see that he is severely punished.

By the XIV Article of the Treaty of Peking, any citizen of the United States who shall deal in contraband articles of merchandise is liable to be seized and punished by the Chinese Government without

W. L. Smith Esq  
U. S. Consul



without any protection from that of the  
United States. I have therefore to request  
that you will investigate this charge,  
because, if it be true, Mr Jenkins  
should be seized by the Chinese Govt.  
we would have no right to interfere  
in his behalf. If the charge should  
prove to be unfounded, as I trust  
it may, it is due to Mr. Jenkins that  
he should be relieved from an imputation  
so seriously affecting his character.

I trust therefore that  
you will see the necessity of having  
Mr Jenkins summoned before, and  
giving the Taontai an opportunity  
of furnishing evidence against him  
that this matter may be thoroughly  
investigated.

I am respectfully

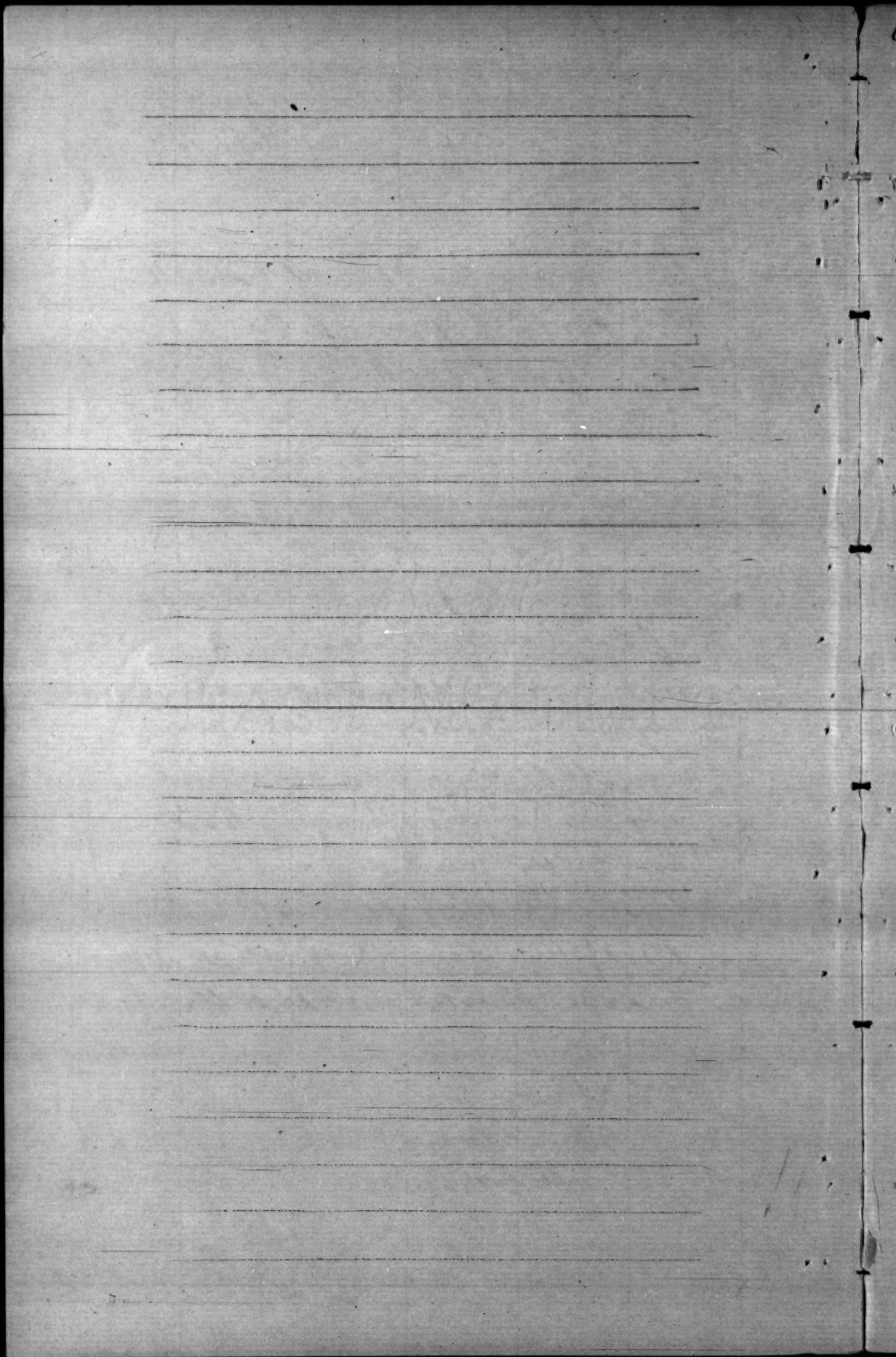
Your obedient servant  
(Signed) John Edward

Truly

Geo. W. Heard  
Secy U.S. Legation







Copy

15

United States Consulate  
Shanghai Sept. 29, 1860

Sir,

I have the honor to acknowledge  
the receipt of yours of the 25<sup>th</sup> inst.  
and received on the 26<sup>th</sup> inst. covering  
a charge against Frederick Jenkins  
for a violation of the XIV Article  
of the Treaty of Tientsin, preferred  
by Sich. Imperial Commissioners to me  
and requesting an investigation  
of the same by me.

In reply I have to  
inform you that Mr. Jenkins  
was duly arrested, arraigned  
in court on this charge, plead  
not guilty, and demanded a  
trial. The time for trial was  
fixed for this day at 10 o'clock A.M.  
and the Taoutai notified thereof  
and

His Excellency

John Edward

U.S. Minister

Yours very truly



and requested to furnish me at  
this consulate with all the evidence  
and witnesses, which the Government  
of China has to prove the said  
Charge.

I enclose you a copy of the  
proceedings, and from which you  
will perceive that no evidence was  
produced or offered to sustain the  
Charge; and the Examination of the  
Defendant under oath and reduced  
to writing, and signed by him, in  
my judgment, fully exonerates him  
even from imputation of the  
Charge.

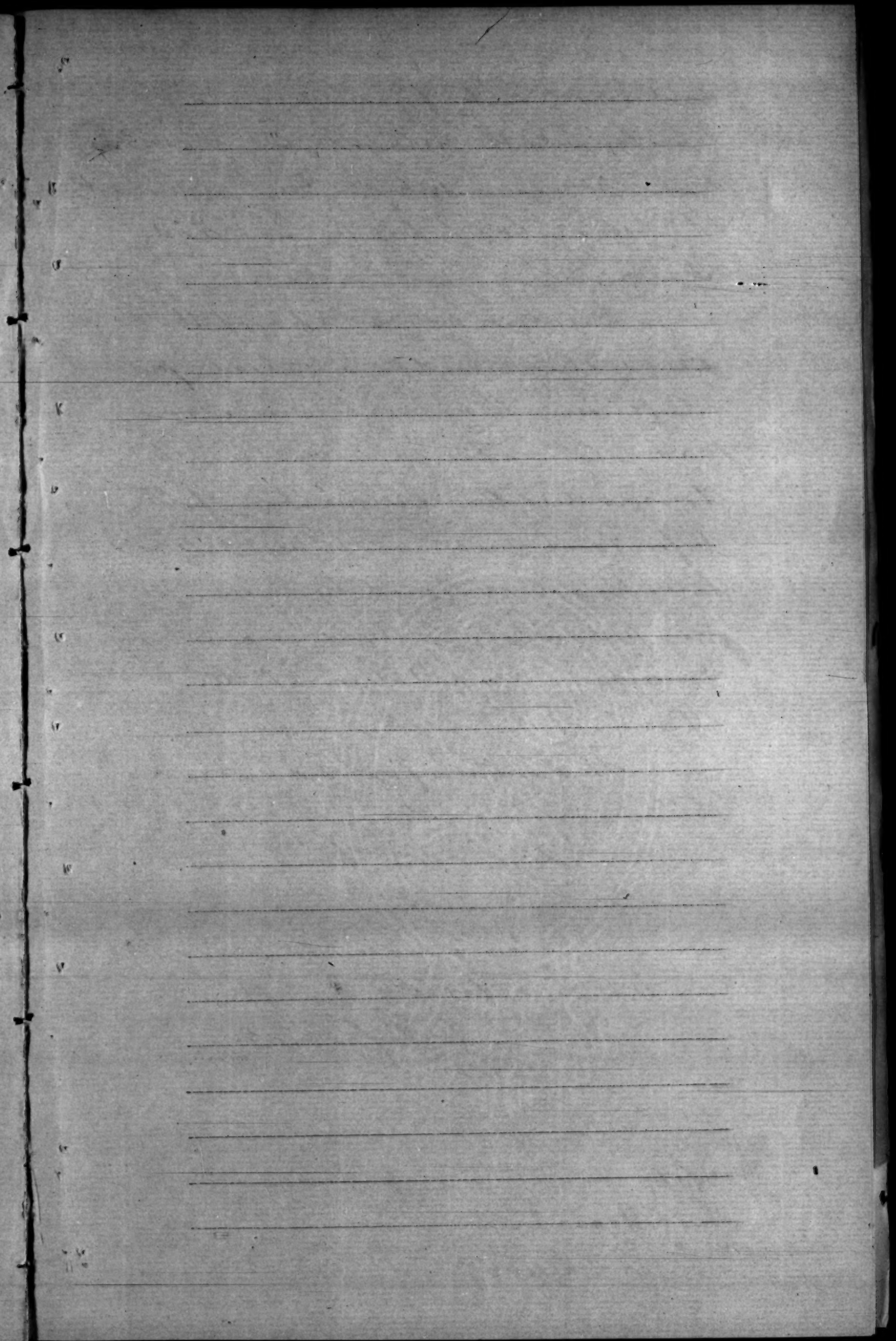
I have therefore dismissed  
the case.

I have the honor to be  
Sir

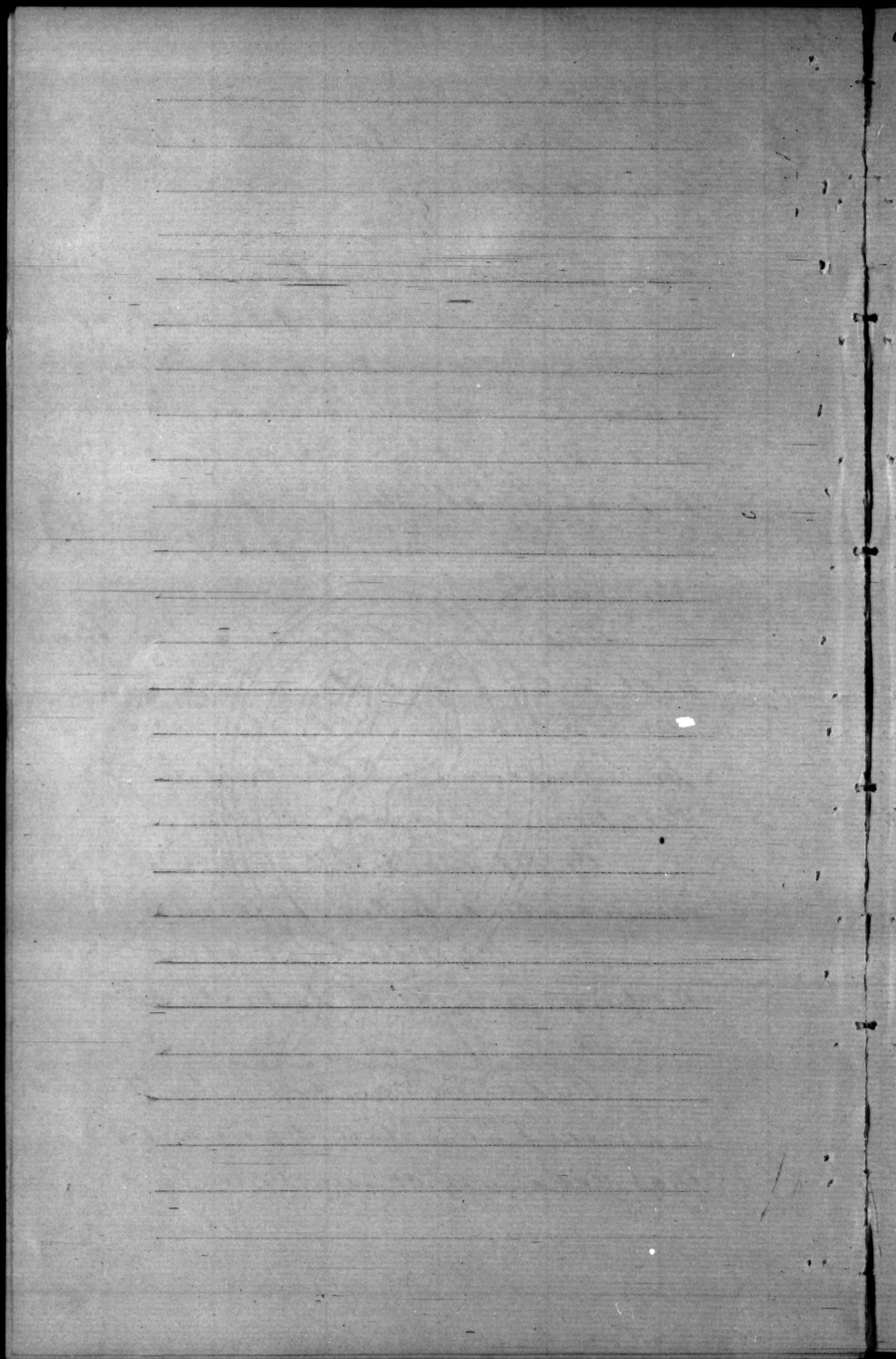
Your obedient servant  
(Signed) W. L. G. Smith  
U. S. Consul

Enclosed

John W. Heard  
Secy U. S. Legation







United States Consular Court

Shanghai, September 26, 1860

The United States

vs.

Frederick Jenkins } Charge of Violating the XIV  
Article of the Treaty of  
Tientsin: - viz - having  
intercourse with the Rebels at Soochow,  
and supplying them with powder and guns,  
preferred by him, Acting Imperial Commis-  
sioner and Superintendent of Trade at  
the Five Ports. -

The prisoner being arraigned, pleads  
not guilty & demands a trial.

The time for the trial is set down  
for Saturday, the 29<sup>th</sup> day of September  
A.D. 1860 at 10 o'clock A.M.

The defendant with two sureties  
executed a bond for his appearance.

The defendant appeared at  
the time and place for trial as above  
ordered.

And being duly sworn he the said  
Frederick Jenkins doth depose and say  
that he has not at any time had  
intercourse



intercourse with the Rebels at Soochow, nor  
supplied them with powder and gun, or  
with either; that he has been into the  
interior, namely, into the silk districts  
to purchase some silk for a Chinese  
Merchant, Kin tai, and did purchase  
some for him; that he did so because  
other merchants and foreigners, as he  
heard, had done so in consequence of the  
Stagnation of Trade caused by the Rebel  
over-running the Tea and silk districts -  
that he had never aided or assisted the  
Rebels in any way; that he has not had  
or has not now any Sympathy or Connection  
with the Rebels; that if he had any feelings  
upon the subject personally, his feelings  
were with the Imperial Government; that  
he has not, however, taken any part, or  
side in the matter, in any way, but has  
been neutral and attended to his own legit-  
imate business, and intends to continue  
to do so.

(Signed) Fred<sup>k</sup> Jenkins

Subscribed & sworn to

before me September 29. 1860

(Signed) W. L. G. Smith

Notary Public Act<sup>l</sup> Judicially

There is no evidence offered to sustain  
the charge either by the Imperial Commis-  
sioners, or the Taoutai, although the former  
has been requested by the U.S. Minister  
and the latter by the U.S. Consul to furnish  
the same at the time above mentioned  
for the trial.

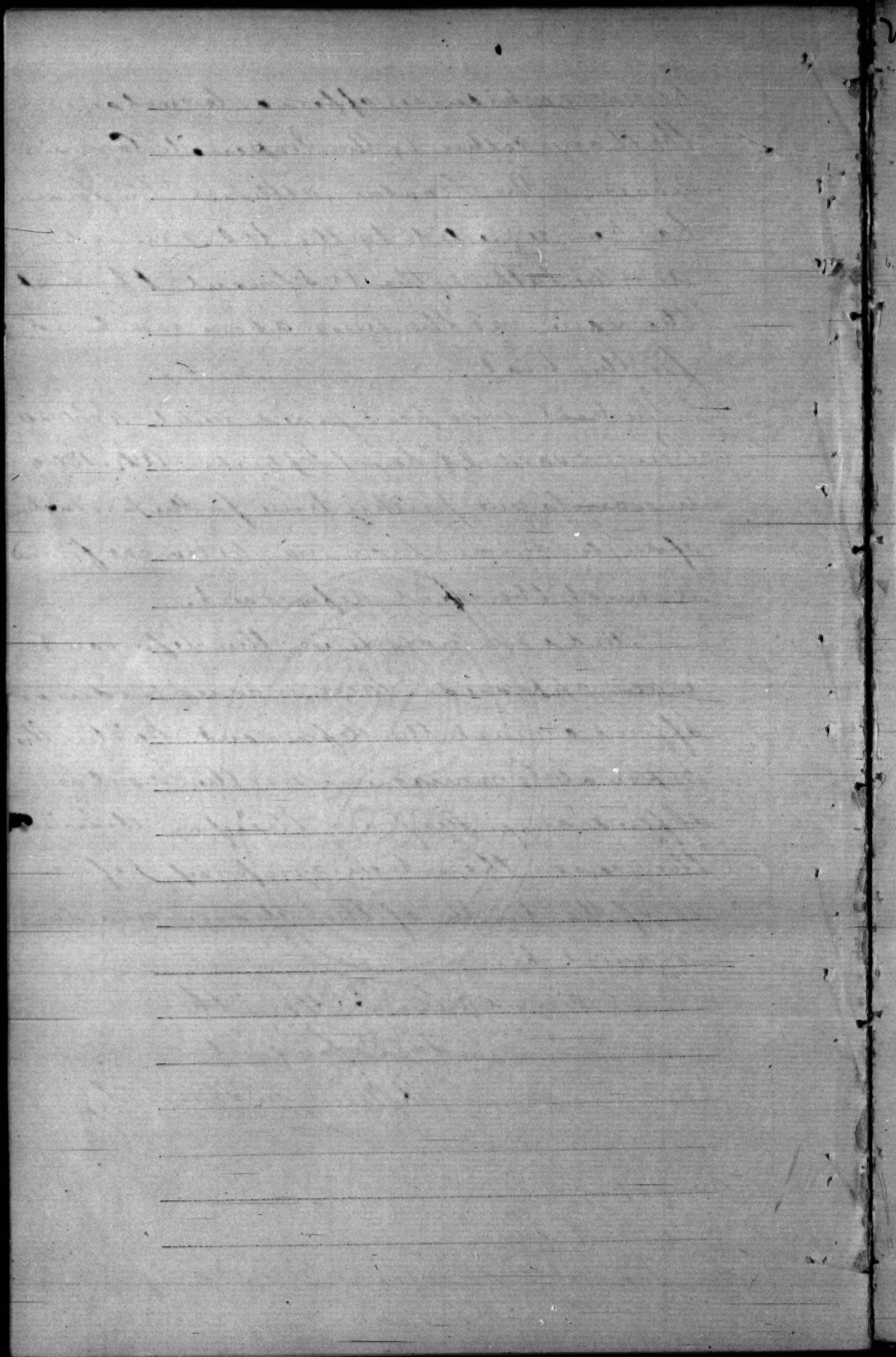
The trial was postponed until 4 o'clock  
P.M. on said 29<sup>th</sup> day of September A.D. 1860  
in order to give further time for the production  
of any evidence which may be brought forward  
against the said defendant.

And at which time the defendant  
again appeared. There was no evidence  
offered against the defendant. Neither the  
Imperial Commissioners nor the Taoutai  
offered any. The court therefore dismissed  
the case, there being no proof before  
it of the truth of the charge made  
against him.

(Signed) W. L. Smith  
U.S. Consul  
Acting judicially

Me for my  
Geo. W. Heard &  
Secy U.S. Legation.





Official No 21

Port 15. Gen Mr Derrick

Legation of the United States  
Shanghai, September 29. 880

Sir,

I have the honor to inform you  
that having received information  
from Dr. Charles W. Bradley, that  
he had forwarded to Washington  
the resignation of his office as Consul  
for the United States for the Port  
of Ningpo, to take effect on the  
1<sup>st</sup> day of October next., and it being  
exceedingly important at this time  
that his place should be filled,  
I have appointed Dr. George W. Fish  
to fill that vacancy until the pleasure  
of the President of the United States  
can be known, and I herewith attach  
a copy of his commission.

I have the honor to be,

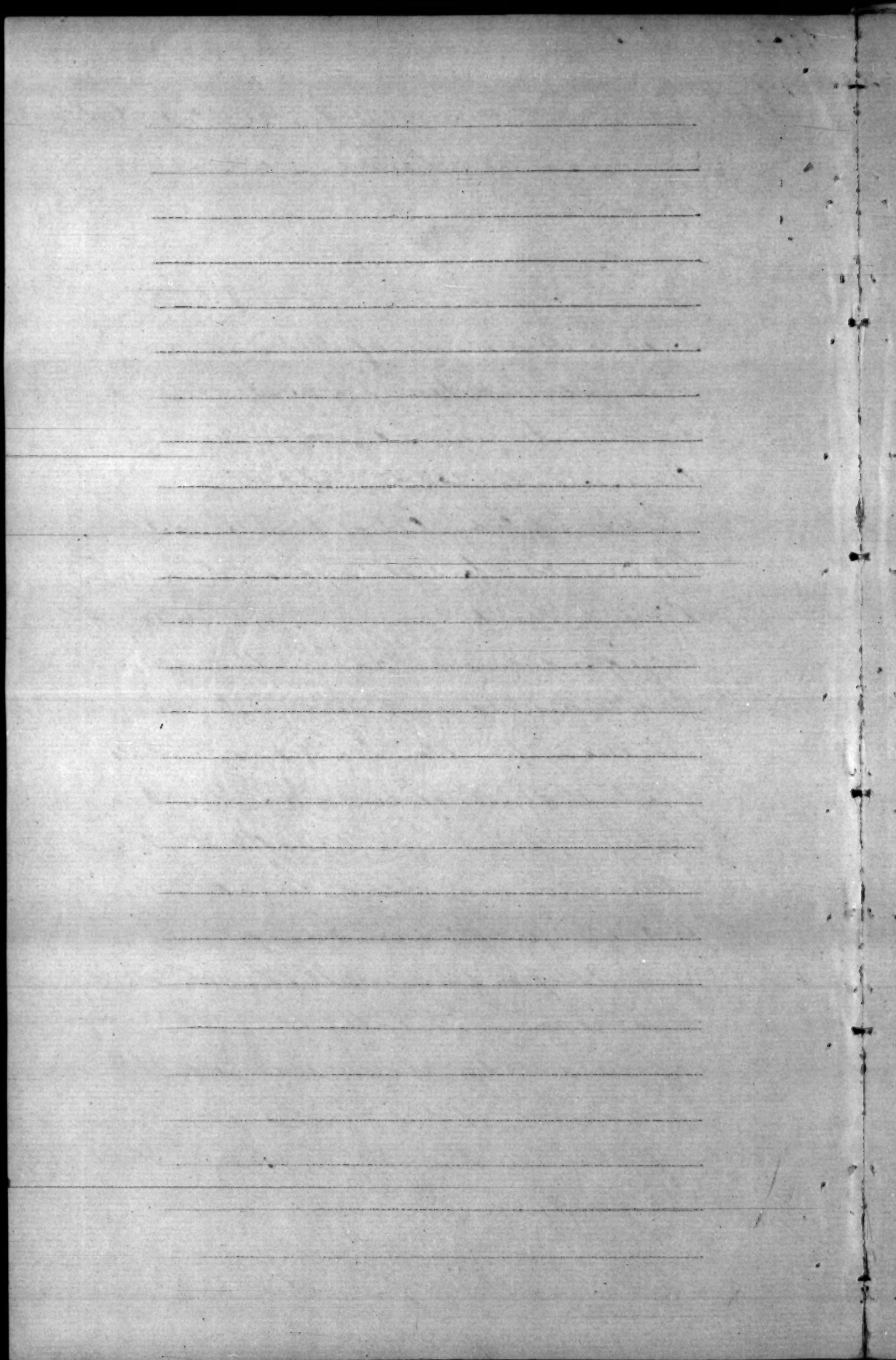
Sir,

Very respectfully  
Your obedient servant  
John E Ward

Hon<sup>ble</sup> Lewis Cass

Secretary of State





Copy.

To George W. Fish

Ningpo

Sir,

The exigencies of American interests at the port of Ningpo rendering it important to appoint someone to discharge the duties of Consul of the United States at that port, and having confidence in your ability, integrity, and prudence, I do, by the authority invested in me as Envoy Extraordinary and Minister Plenipotentiary of the United States of America to China, hereby appoint you to be Vice Consul of the United States at the Port of Ningpo, and empower you to perform all the duties and receive all the emoluments of said office until the pleasure of the President of the United States shall be further known.

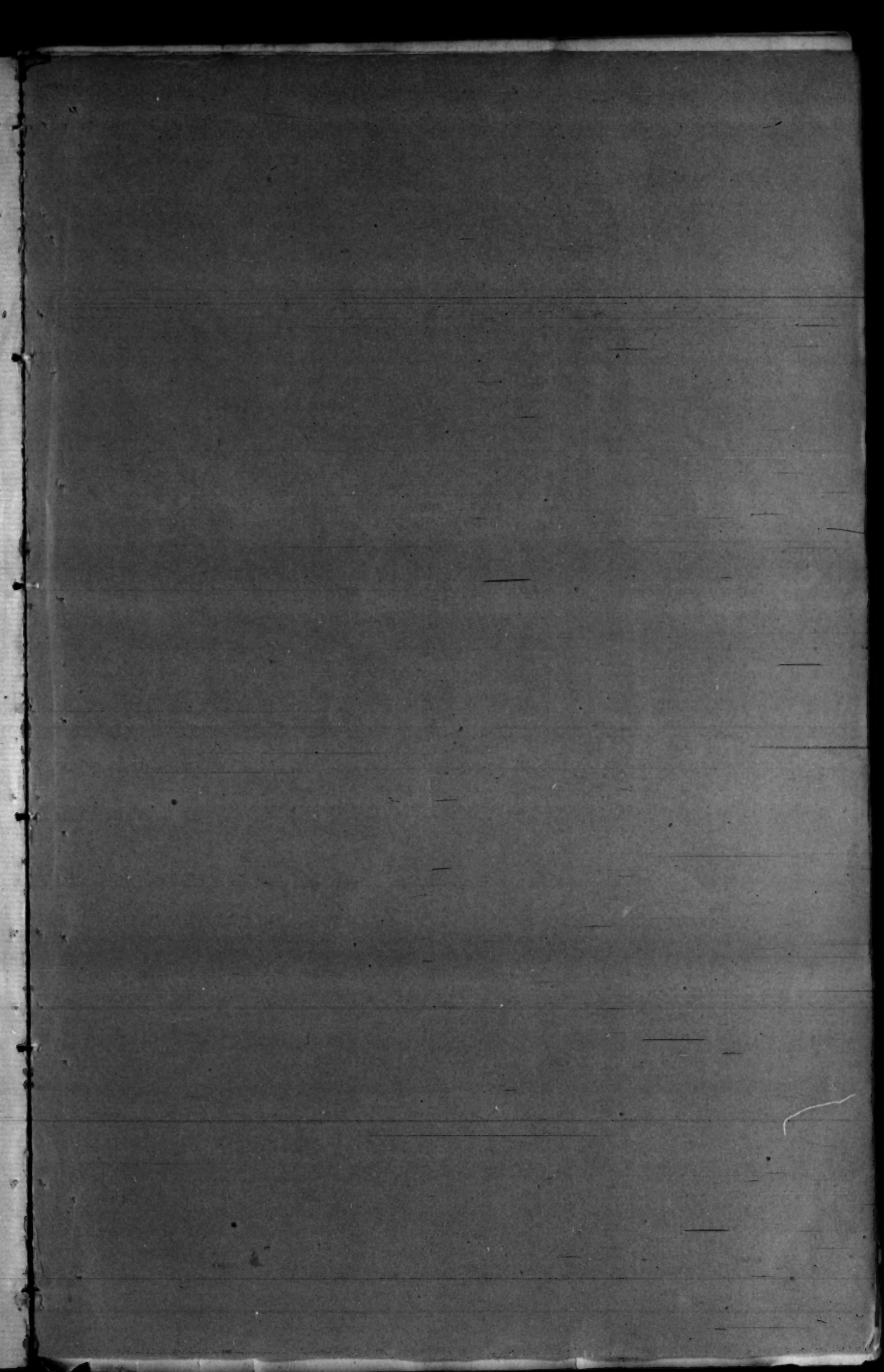
Given



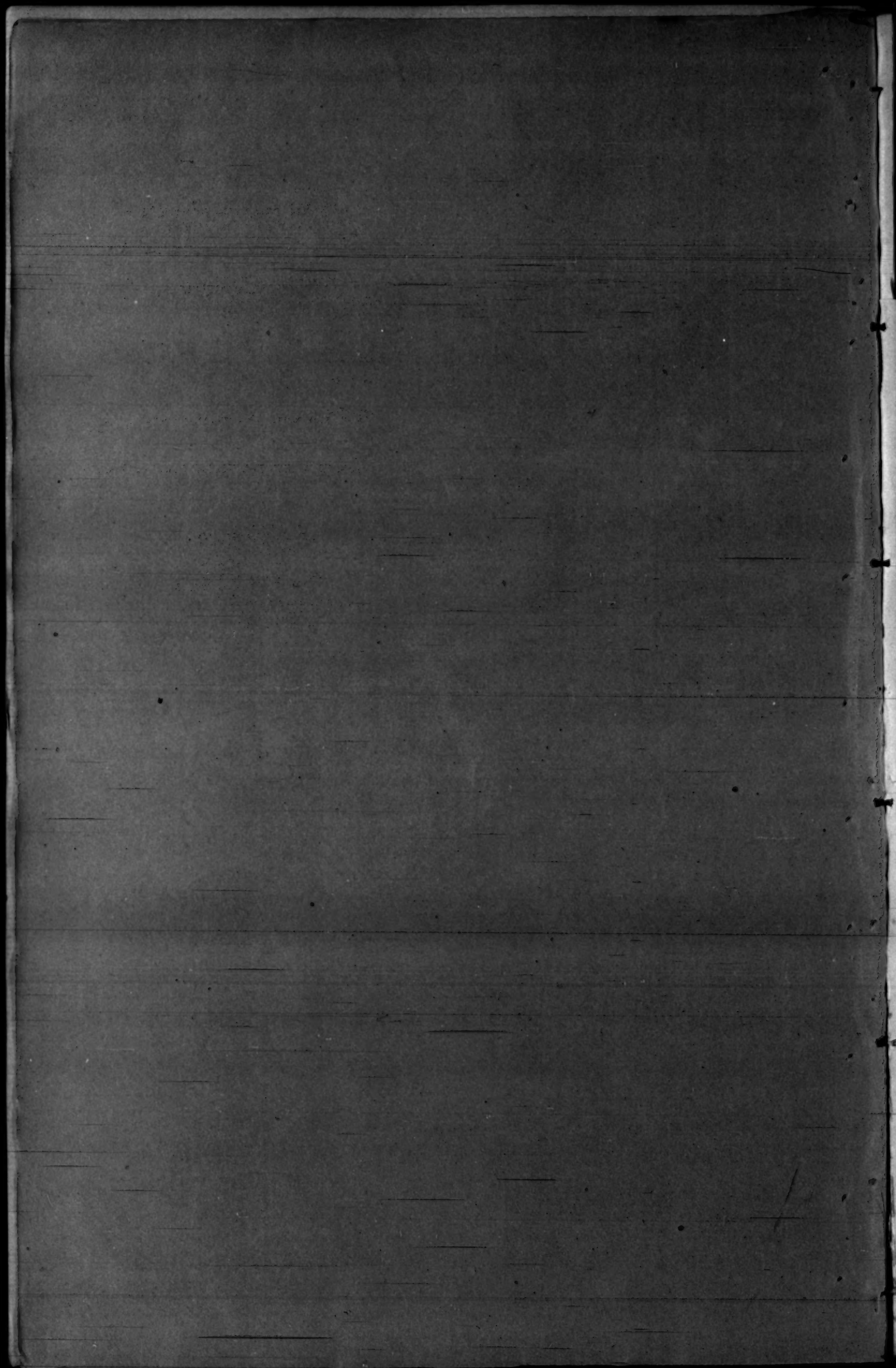
IST  
Given under my hand and  
Seal of office at the Legation  
of the United States, Shanghai  
this first day of October 1860  
(signed) John C. Ward

Attest

Geo. W. Heard Jr.  
Secretary of the Legation of the  
United States to China







Recd 25<sup>th</sup> Sept duplicate / Mr Dyrick  
Shanghai September 30. 1880

The Honble Lewis Cass  
Secretary of State  
Washington D.C.

Sir,

I have the honor to advise you that I have this day drawn on Messrs Baring Brothers & Co. my Bill for £1239. 13. 4. sterling for salary for the two quarters ending this day: being at the rate fixed by the State Department @ \$4.84 per pound sterling.

The rate of exchange on this day was ( $\frac{44}{11}$ ) four shillings and eleven pence per dollar as per annexed Certificate. For the loss by Exchange, which amounts to \$957.29 I have drawn on the Department @ 30 ds in favor of Messrs Augustine Heard & Co. my Bill for \$139.17, which includes the loss by Exchange on Washington, now at nineteen per cent. discount, to which please give due honor.

I have the honor to be

Sir,

Very respectfully

Your obedient servant

John A. Ward



Washington, September 30, 1880

Mr. Charles Lewis  
Secretary of State  
Washington, D.C.

I have the honor to advise you that I  
have this day drawn on Messrs. Manning & Butler  
of New York for \$1000.00, payable to order  
for the two quarters ending this day, being at  
the rate fixed by the State Department of \$10.00  
per annum.

Yours of the 24th inst. in relation to the  
drawings on the State Department of \$1000.00  
has been received. The same has been paid  
to the order of Messrs. Manning & Butler of New York  
for \$1000.00, which is the sum of \$10.00  
per annum for the two quarters ending this day.  
Very respectfully,  
John A. B. Smith

Very respectfully,  
John A. B. Smith

Duplicate

Legation of the United States  
Shanghai, September 30, 1880

I, the undersigned, Envoy Extraordinary and  
Minister Plenipotentiary of the United States to China  
do hereby certify that I have this day sold my  
draft for loss by Exchange, dated September 30, 1880  
for \$1139.17, to Messrs. Augustine Heard & Co.,  
and have received therefor the sum of \$957.29.  
- the difference between which sum and the  
amount of said draft viz \$181.88. being the  
loss actually and necessarily sustained by me  
in the negotiation or sale of the same:

I further certify that the said Messrs  
Augustine Heard & Co., who have signed the  
 foregoing certificate are merchants  
residing and doing business at Shanghai.

John E. Ward



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[illegible]

Duplicate Shanghai September 30 1870

We the undersigned, do hereby certify that we have this day purchased from His Excellency, John T. Ward, Minny Extraordinary and Minister Plenipotentiary of the United States to China, his Draft, dated this day for the sum of (\$1139.17) Eleven hundred and thirty nine dollars <sup>11/100</sup> - and have paid him therefor the sum (\$957.29). Nine hundred and fifty seven dollars <sup>29/100</sup> - which is the actual loss on a Bill of Exchange on London of (£1239. 13. 4) Twelve hundred and thirty nine pounds <sup>13/4</sup> sterling, at the present rate of (<sup>4/11</sup>) four shillings and Eleven pence per Mexican dollar, in this place, (reckoning the pound @ \$4.84), that being the nett proceeds of said draft after deducting the current rate of exchange between New York and this place at this date, of Eighty one Cents on the dollar, upon its face, as set forth in the following statement.

Date	Amount of Draft in U.S. Currency	Rate of Exchange	Cost of Negotiation	Nett Proceeds	Upon whom and upon what account drawn
30 <sup>th</sup> September 1870	\$ 1139.17	Eighty one cents on a dollar	\$ 181.88	\$ 957.29	On Secretary of State for Loss by Exchange on Draft on London for £1239. 13. 4.

Augustine Heard & Co





Per. 15. Dec

Mr. John Smith

Legation of the United States

Shanghai September 30 1860

The Hon<sup>ble</sup> Sir

Secretary of State

Washington

Sir,

I have the honor to advise You that I have this day drawn on Messrs Baring Brothers & Co. my Bill for £1239. 13..41 sterling, for salary for the two quarters ending this day: being at the rate fixed by the State Department of \$4.84 per pound sterling.

The rate of Exchange on this day was (<sup>54/11</sup>) four shillings and eleven pence per dollar as per annexed certificate. For the loss by Exchange which amounts to \$957.29. I have drawn on the Department at 30 d/s in favor of Messrs Augustine Heard & Co. my Bill for \$1139.17, which includes the loss by Exchange on Washington, now at nineteen per cent. discount, to which please give due honor.

I have the honor to be,

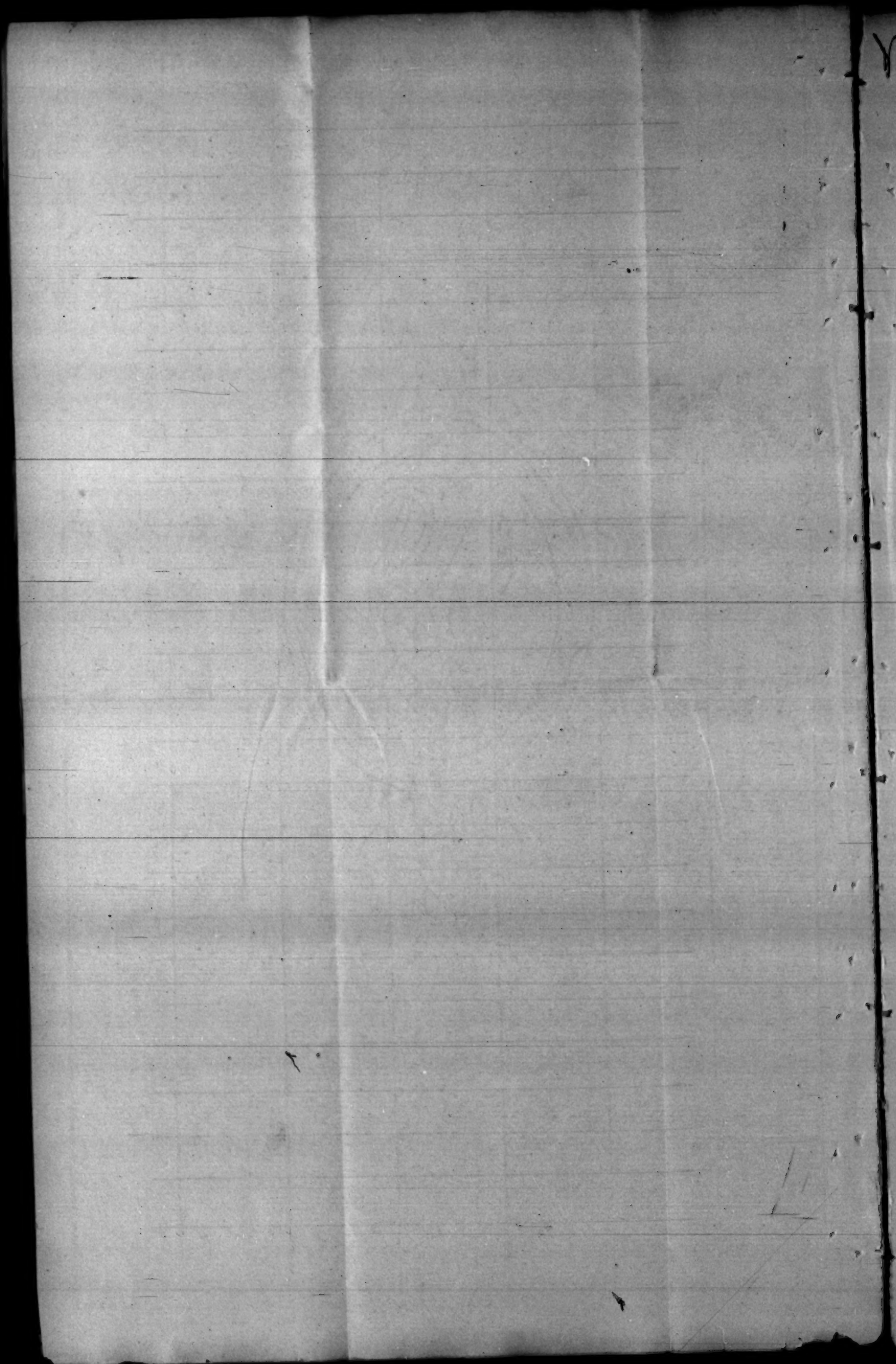
Sir

Very respectfully

Your obedient servant,

John E. Ward





Y. Recd 16. Dec Mr Lerrick

Official R 22.

Legation of the United States  
Shanghai

October 4<sup>th</sup> 1880

Sir,

I have the honor to inform  
You that I have been detained  
in Shanghai by a report which  
reached me about ten days since,  
that an American vessel had  
been plundered, and nine out  
of the ten men composing her crew  
had been murdered by pirates  
near the Northern Entrance of the  
Yangtze River. The tenth man  
was severely wounded, and  
under care of a Catholic priest  
near the locality.

The 'Lagunaw' was immediately  
sent down to investigate the  
matter

Honble Lewis Cass  
Secretary of State  
Washington



matter, but has not yet returned.  
Commodore Stirling with doubtless  
give a more full report to the  
~~Honorable the~~ Secretary of the Navy.

The latest dates from  
the North report Lord Elgin as  
advancing upon Peking with his  
army. The Chinese as far as  
they are able resisting at every  
point, but conquered after great  
slaughter in every battle. On  
the 23<sup>rd</sup> Sept. the latest date of  
any authentic information, the  
army was within five miles  
of Peking, and are doubtless now  
within its walls. Mr. Harry Parkes,  
with several of Lord Elgin's staff,  
including the Correspondent of the  
London Times, were taken prisoners  
when on an excursion to one of  
the temples. They are treated  
kindly, and allowed free  
communication, but held as  
hostages. doubtless in the hope  
that they may be used in  
some

some manner to prevent the so-  
much-dreaded Entrance into Peking.

It is generally believed by those,  
who ought to be best informed  
that all matters will be satisfactorily  
arranged, and the Treaty exchanged  
within a few days.

I have the honor to be

Sir

Very respectfully

Your obedient servant

John. E. Ward





N  
Plea 15. Genl Mr Durrick

Shanghai

October 14<sup>th</sup> 1860

My dear Governor,

Although I do not feel at liberty to send the copy of a letter recently received by me from Sir Michel Seymour. I am really anxious that the President, and if you think proper the Cabinet should see it, and therefore send you a copy. I am the more anxious upon this point as I understand that Lord Elgin's correspondent of the London Times has written for that paper a description of the common country carts as ~~the~~ the vehicle in which I was taken to Peking. Now there is as much difference between a Mandarin wagon and a Country cart, as between your Carriage and a dray - but some lie must be written to  
Keep



Keep up the excitement in England.  
Lord Elgin, however, must write  
his own letters for publication  
in the "Times" by this mail, as  
his friends Boulby and Parkes  
with several others of his suite  
have been safely conveyed to Peking  
somewhat sooner than they  
expected, and in advance of  
their honored lord and master.  
It seems that after one of the  
battles, in which the Chinese  
with their bows and arrows,  
were, as they usually are,  
defeated by the English and  
their gallant allies with their  
rifled and Armstrong cannons—  
these Christian Representatives  
of the West went out to loot,  
(that is rob,) one of the heathen  
temples, where they were captured  
and safely lodged in the forbidden  
city. They are treated with a  
kindness and forbearance which  
would be exhibited under the  
same

same circumstances in no other  
Country in the world.

Parkes is one of the most  
unscrupulous of all the English  
officials who have ever visited  
China, and has been the means  
of inflicting more misery upon  
her people than any other  
living man; yet he now is  
treated with kindness, and not  
even kept in close confinement.

It is reported that the  
Army are within 5 miles of  
Peking, & that Sir Hope Grant  
has given notice that he would  
sack and destroy Peking if the  
prisoners were not returned in  
three days, that the Chinese  
had replied that Peking was  
the Emperor's City, and that they  
would rather have it burned  
and destroyed than entered  
by any persons except by the  
invitation, and as the guests  
of the Emperor. Mr. Bruce is said  
to



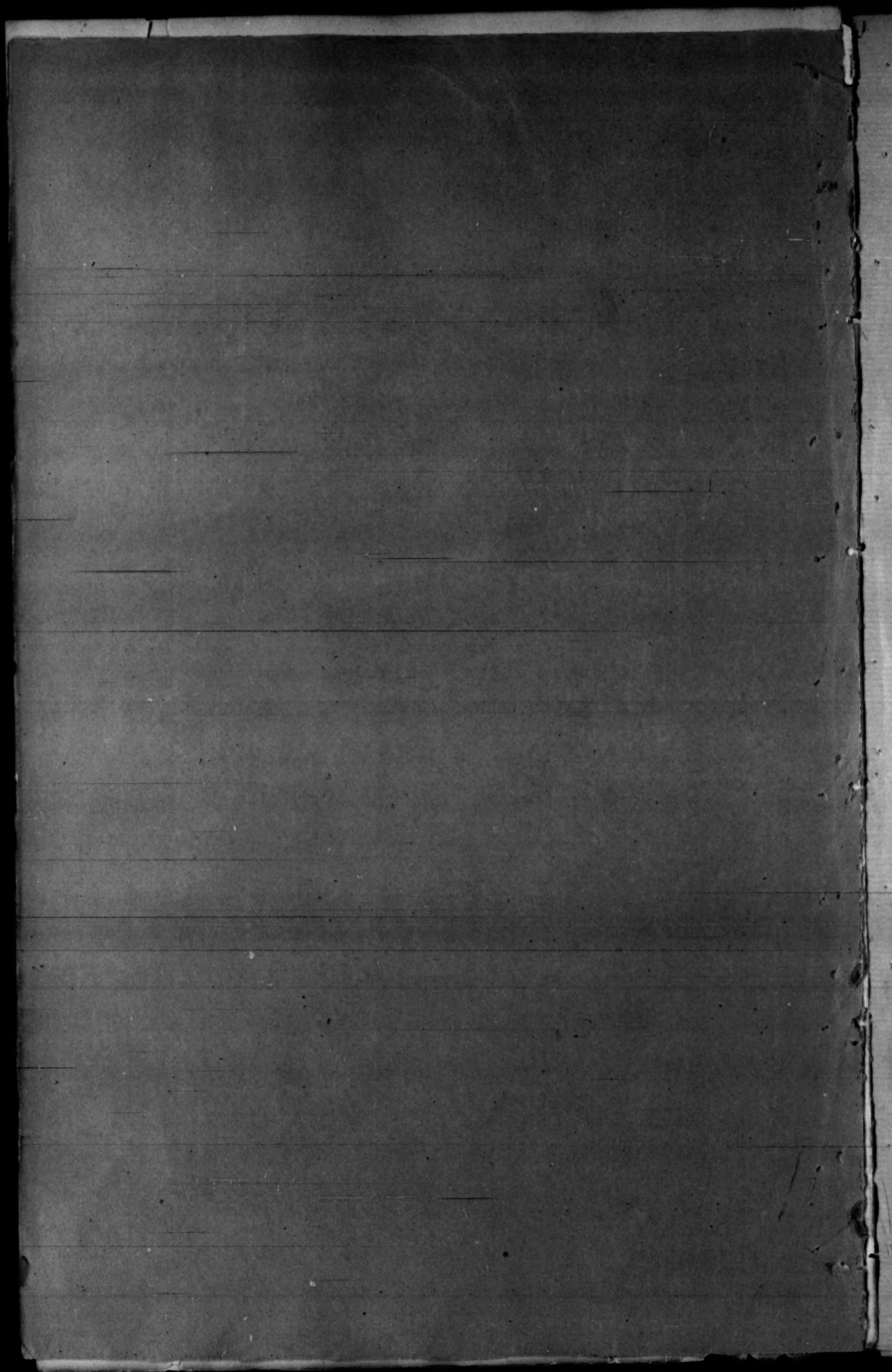
to be in the receipt of a letter from  
Lord Elgin, stating that all  
matters would be satisfactorily  
arranged in a few days -

Every thing in Shanghai is now  
perfectly quiet. Business very  
much at an end, and the  
merchants beginning to wish  
Lord Elgin & his army back to  
Europe. The missionaries  
still watch the war, with all their  
sympathies for the Allies in the  
hope, that the sword will soon  
open the way for the Gospel &  
Caring but little at what cost  
of life or misery this may be done.  
One of them said a few days since  
that he was for lashing the Bible to his  
back & taking the American Treaty in  
one hand & his bowie knife in the other  
& going by force into the country, for that  
the Chinese must be saved (whether by  
the bowie knife or Bible he did not say)  
They are becoming very troublesome  
and I fear will yet involve us in  
difficulty with the Chinese.

Very truly, Your friend  
John. E. Ward







Copy

House of Commons  
London

August 7 1850

My dear Sir,

I beg leave to  
acknowledge and thank you  
for your letter of the 15<sup>th</sup> May,  
and to express to you how much  
glatified I am to learn that the  
few words I thought it my duty  
to say against Lord Palmerston's  
remarks on the circumstances  
attendant upon your journey  
to Peking, have met with your  
approbation.

I handed your letter to  
Lord Palmerston, who is now aware  
of the truth, and may add  
that

His Excellency

John E. Ward

cc cc cc

United States Minister,

China,



that the public at large are now  
correctly informed of the actual  
occurrences of your mission to  
Peking, than when only under  
the influence of the false reports  
originally circulated for selfish  
party or political purposes.

I have likewise shown your letter,  
and its enclosure, to many friends  
and others in power and prominent  
official place.

I congratulate you  
on the complete success that  
has attended your efforts in  
carrying out the humane and  
consistent course of policy of  
your government in China. I can  
most fully appreciate the  
moderation and energy needed  
to overcome the difficulties and  
delicacy of your position during  
the momentous events that  
surrounded the ratification of  
the American Treaty, and I  
do most cordially sympathize  
in

in the unanimous and earnest  
expression of approval of your  
triumphant course, recorded by  
your fellow citizens and other  
residents in China.

I am, my dear Sir,

With great esteem

Most sincerely Yours

(signed) M. Seymour

Reverend



1

V  
Rev. S. Sec. Mr. D. W. Dickinson

Official No. 23.

United States Legation  
Hong Kong

October 28<sup>th</sup> 1860

Sir,

I have the honor to acknowledge  
the receipt of Circular No. 14, dated  
July 31<sup>st</sup> 1860, with the Enclosure.

In obedience to the requirement  
that I should inform the Department  
at what ports in China, the Marshals  
authorized by the 25<sup>th</sup> Section of the Act  
should be appointed. I would recommend  
Canton, Amoy, Foochow Shanghai.  
These are the four ports in China  
at which most of the American  
business is transacted, almost  
all our shipping are at one or  
the other of those ports, and  
the American interests are the  
most valuable at those ports.

I have the honor to be, Sir,

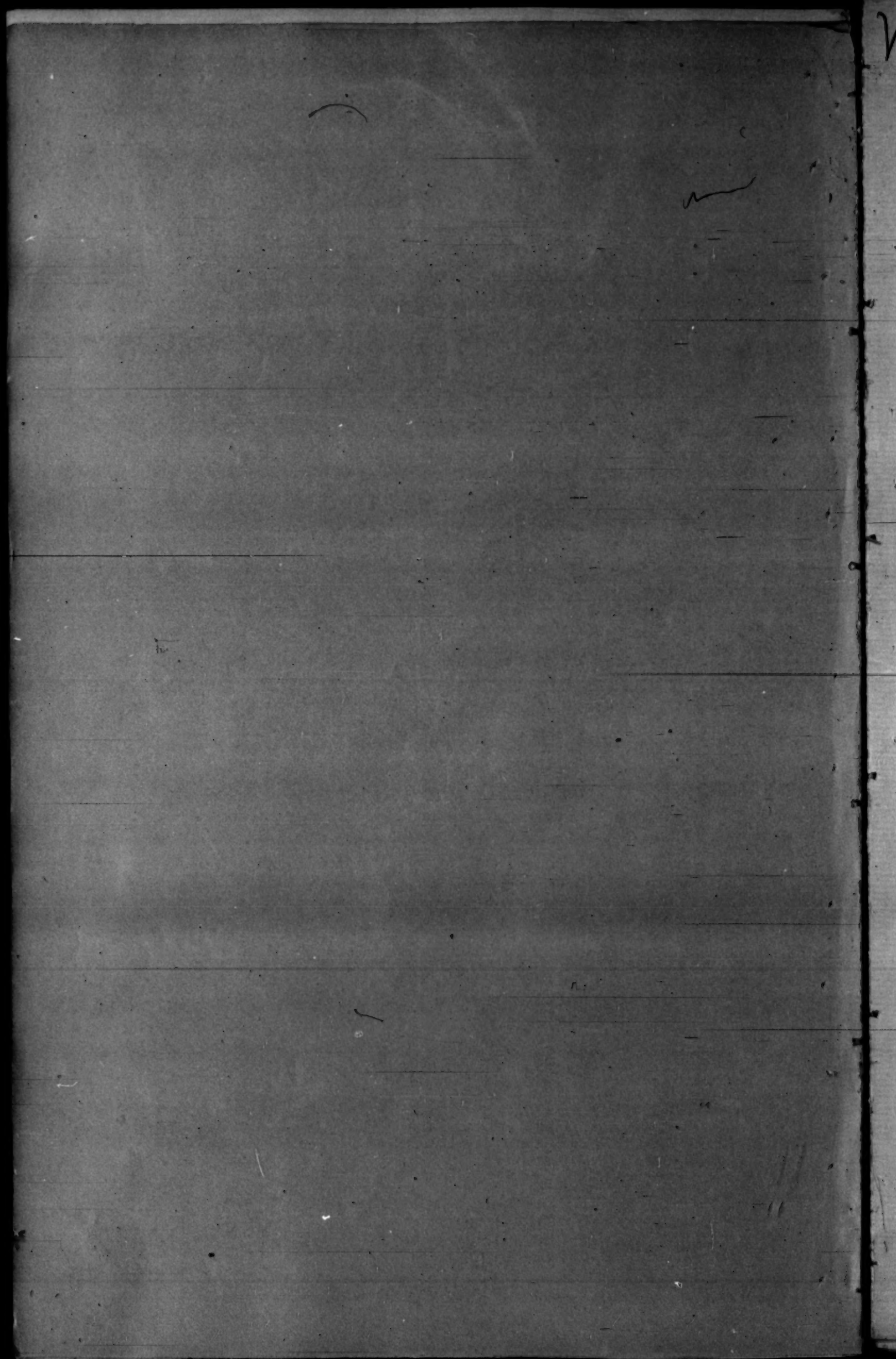
Very respectfully

Your obedient servant  
John. C. Ward

Hon. Mr. Wm. Henry Trescott

Acting Secretary of State  
Washington. D.C.





V  
Rev. Mr. Sec. W. D. Smith

Official No 24

Legation of the United States  
Hong Kong

October 28<sup>th</sup> 1860

Sir

I have the honor to inform you that having no further business to detain me at Shanghai. I left that place on the morning of the 5<sup>th</sup> inst to visit the other ports in China.

I did not call in at Ningpo, because I had been there but a short time before, & there was no call for my presence at that place.

I arrived at Soochow on the 7<sup>th</sup> inst. I found there every thing quiet & no apprehensions of any difficulty whatever. The Missionaries at that place had petitioned the Consul to obtain from the Governor General a proclamation requiring the citizens to rent their houses, within the walls of

Hon. Mr. Wm. Henry Trescott

Acting Secretary of State

Washington D.C.



of the city, which petition was referred to me for instructions.

I instructed the Consul that by the provisions of the Treaty, citizens of the U.S., missionaries & others residing at Soochow, had the right to rent houses within the walls of the city, but, that any objection offered on the part of the inhabitants against any particular locality would authorize the authorities to interfere & prevent foreigners from renting houses at such places.

After remaining at Soochow 2 days, left for Anuy, where finding everything quiet, remained only a day, & from thence went to Swatow. Trade is increasing very rapidly at this place, & since the opening of the port, there has been no trouble between the Chinese and the American authorities. A foreigner of whose it was said after his death that he was an American citizen, was killed on Double Island

in

in the month of May last. The murderer  
upon the requisition of the American  
Consul was arrested by the  
Chinese Authorities, & publicly  
executed. Immediately previous to  
my arrival at Swatow, a Chinese  
harem of the Captain of one of the  
English Opium Ships had been  
entered by some Chinese with the  
intent to rob & plunder it. The  
Captain happening to be in the  
house, offering resistance was  
knocked down. The services of  
the English Navy were at once  
called into requisition by the  
British Consul at that port,  
to avenge this insult offered to  
one of H.M. subjects. As the  
individuals could not be discovered,  
a gunboat was sent to a village  
about 30 miles off, to demand  
that somebody should be given  
up to punishment. Upon the  
refusal of the villagers to do  
this, the village was attacked;  
the



the attacking party were driven back, & four of the number taken prisoners. These, the villagers offered to surrender, if the gunboat would retire, & the English would promise no further to molest them. This was refused, & Sir Robert Milne, the Senior Naval Officer at present on this station was asked to send additional forces, who upon learning the facts of the case, refused to do so, & sent orders to the gunboat to accept the proposition of the Chinese.

The prisoners have not, however, yet been released & H.B.M.S. "Highflyer" has been sent up with a Chinese mandarin on board, who has instructions from the Gov. Genl. at Canton to have the prisoners released and given up to the English, which will doubtless be done.

Immediately after my arrival at Hong Kong, I

I proceeded to Canton, where some  
new difficulties had arisen,  
between some of the American  
merchants, & the foreign Customs  
House, located at that place.

These questions were all satisfactorily  
arranged, with the exception of one,  
growing out of a Regulation, requiring  
"that all vessels partly laden at  
"Hong Kong, & thereafter proceeding  
"to Canton for additional cargo  
"should be furnished with a certificate  
"from the Harbour Master at H. Kong.  
"in which must be distinctly  
"stated, the nature, marks & numbers  
"of packages, & weight of each kind  
"of goods, & that they have really been  
"taken on board at Hong Kong."

A sufficient objection to  
this Regulation would have been  
that it has been adopted for  
the regulation of American citizens,  
without having been first submitted  
to the American Consul, but  
for other & weightier reasons  
which



which I have fully stated in  
my reply to Mr. Consul Leray, Encl. 6<sup>a</sup>,  
to which I do respectfully  
call your attention. I have  
refused to permit such a rule  
to be enforced against American  
vessels. The for. Genl. requested  
an interview with me, which  
was most cheerfully given. In that  
interview the impropriety of the  
Regulation was admitted, but the  
for. Genl. insisted upon refusing  
the "Sea Serpent" (the vessel,  
upon whose cargo this <sup>question</sup> ~~vessel~~ had  
been raised). The Port Clearancer,  
because he said, it was within  
his knowledge that a portion of  
his cargo had been taken on board  
at Macao, & that Macao, being  
Chinese territory, American  
ships must pay a duty upon  
all cargo taken in at that port  
if they should afterwards come  
to Canton to complete their  
loading. I replied, that I could  
never

never admit that principle -  
because, among the Chinese  
ports open to us by Treaty,  
Macao was not named. &  
an Consul at Macao held his  
negotiation from the Portuguese  
Government, that our Citizens in  
Macao were under Portuguese laws,  
& that the Portuguese might if  
they pleased collect duties on  
all goods shipped at that port -  
in a word, that I could only  
recognise the fact de facto,  
which existed at Macao, without  
undertaking to decide upon  
rights between the Chinese and  
the Portuguese. The Gov<sup>t</sup> Genl.  
answered that he could not  
be expected to take the view of  
the Western nations upon such  
a subject, that Macao was Chinese  
territory, & never could be admitted  
by him to be any thing else. &  
that he hoped his refusal to  
permit the "Sea Serpent" to have  
her



her Clearance would not be con-  
sidered discourteous by me,  
as he would have been most  
happy to have obliged me  
could he have done so. — I  
replied to him that I certainly  
would not so consider it &  
I hoped he would not consider  
my giving the vessel her papers  
sanding her to sea without his  
Clearance as disrespectful  
either to him or his Govt but  
that I should certainly do so  
& give instructions to the U.S. Consul  
to pursue the same course  
in all other similar cases. —  
He then asked my advice &  
I told him his only course was  
by an arrangement with the  
Govt of Mass to have a  
Custom House, established at  
that place.

The 'Sea Serpent' received  
her papers, after having com-  
plied with all other Rules  
and

and Regulations of the Port.  
I proceeded to sea without any  
further trouble. (See Enclosures)

The latest dates from  
Peking are up to the 15<sup>th</sup> inst.  
The Allies were in possession  
of all the gates of Peking. That  
city had been formally surrendered  
- & was at the mercy of the Allies.  
The Emperor with his Court had  
fled, & of course all negotiations  
were at an end. It was believed,  
however, that they would be  
renewed in a few days, when  
all matters would be satisfactorily  
arranged. I hope by the next mail  
to be able to inform you that all  
things have been satisfactorily  
adjusted. Mr. Bruce with his  
suite have left for Peking under  
instructions from Lord Elgin.  
It was with deep regret that  
we learned of the death of  
De Normand, one of his attachés,  
who



who had been taken prisoner  
with Mr. Parkes, & who was  
treated so cruelly with others as  
to produce death. One of the  
number is said to have gone  
mad with the torture inflicted.

Mr. Parkes, I learn, was only  
humiliated by being made to  
enter Peking in rather a different  
style from what he had anticipated.  
having been first bound &  
thrown into a country waggon  
& made to perform the Row low  
& rub his face in the dirt,  
whenever he passed a mandarin.  
An occasional bambooing added  
to this was all the punishment  
inflicted upon him & is not  
considered harsh treatment  
by those familiar with his  
history in China. & the  
wrongs and injuries, inflicted  
by him upon the Chinese.

I expect to leave  
China between the middle  
and

last of December in the Niagara,  
if she should be ready by that  
time to take me to Aden, as  
I learn from the Captain that  
he has received instructions  
to take me to that place. She  
is still here, however, & will be  
here yet for some days with  
the Japanese Ambassadors: as  
she gets her coal so slowly on  
board it is impossible to say  
when she will leave, or when she  
will return. Should she not be back  
by the time stated, I shall leave  
in one of the mail steamers.

My stay in China cannot be prolonged  
beyond that period. May I ask of you  
the favor, to obtain if possible from me  
an order from the Navy Depart<sup>t</sup> for  
one of the vessels of the Medit-  
erranean Squadron to meet me at  
Alexandria, between the middle & last  
of January, & to take me from  
thence to such port as  
I may desire. This is

a



a matter of much importance to me  
& I hope may under all the  
Circumstances be considered a  
reasonable & proper request.

I have the honor to be,

Sir

Very respectfully

Your obedient servant.

John. Edward

Copy <sup>Enclosed</sup>

U.S. Consulate, Canton

October 19<sup>th</sup> 1880

Sir,

Herewith enclosed I beg leave to forward to Your Excellency, for examination and decision, certain correspondence received by me this day from Messrs. Oliphant & Co. having special reference to the American ship "Lea Serpent", and that portion of her cargo taken on board at Hongkong, which A.C., the Superintendent of Customs decides liable for the payment of Export duty in consequence of some irregularity in the Harbour Masters certificate at that port.

I have the honor to be

Sir

Your obedient servant  
(Signed) Oliver A. Perry  
U.S. Consul

To the Honble

John E. Ward

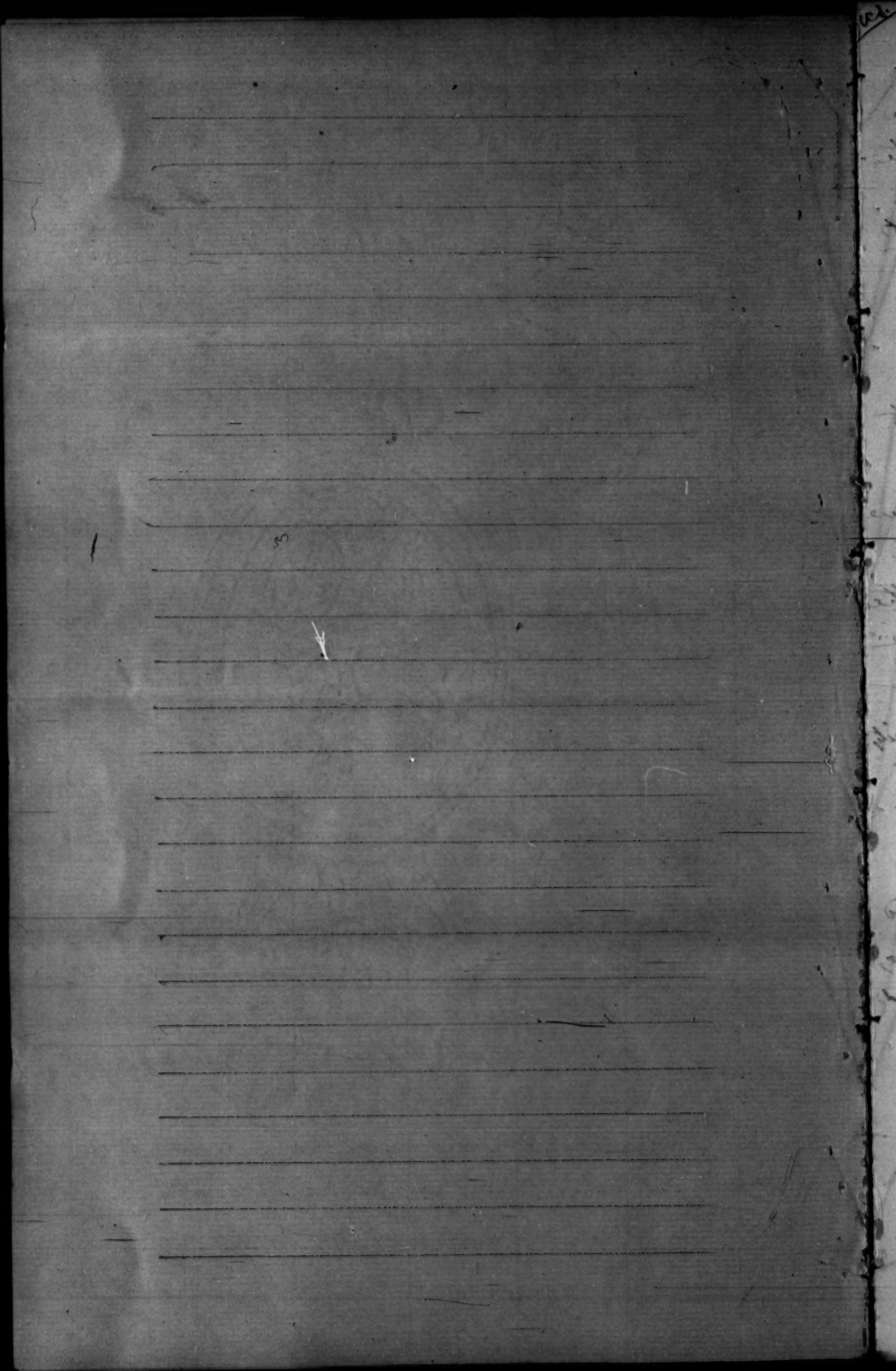
U.S. Minister Plenipotentiary

cc

cc

cc





Copy

Enclosure 2<sup>a</sup>

Canton, Oct. 19<sup>th</sup> 1860

Chief A. Perry Esq. in Charge of the  
Consulate of the United States of America  
Canton.

The American Ship "Sea Serpent",  
in and consignment, came from Hong Kong to this  
port arriving about the 23<sup>rd</sup> ulto. She had  
on board certain cargo shipped by S. L. at  
Hong Kong, a portion of which was brought by the  
Ship from Macao. The ship was regularly cleared  
at Hong Kong, & a correct manifest of the cargo  
with Certificate of the Harbour Master at that  
port, attached to it, was on arrival of the  
vessel presented at the Custom House here.

On the 25<sup>th</sup> ulto. we received from the  
Commission of Customs, the letter of which  
we have copy marked A. in reply to this  
we embodied in the copy marked B. dated  
27<sup>th</sup> inst. to which we received a rejoinder from  
the Com<sup>r</sup> of Customs marked C. dated 18<sup>th</sup> inst.

You will notice that H. C. the Hoppo  
wishes to exact exact duty upon the cargo brought  
in the ship from Hong Kong, on the ground of irreg-  
ularity in the form of certificate attached to  
the manifest presented to the Customs - such  
irregularity



irregularity, consisting as we understand, in the fact of the certificate not stating that the ~~goods~~ "had been really placed on board the vessel at Hongkong. Now letter of the 17<sup>th</sup> we have stated why the Harbour Master could not give a certificate in the form required, but it appears this explanation is not satisfactory, and as H.E. still adheres to his determination to exact duty upon the cargo referred to, in the event of non payment, we presume to refuse giving the usual Port Clearance, we are compelled to submit the question of liability of the ship for the same to yourself.

Not being aware of any other irregularity in the manifest than that named (if this can be called an irregularity) in view of no reason why this cargo should be taxed. The vessel had no cargo on board except that brought from Hongkong, and such has been shipped at this port; this last named paying duty as customary.

As the Com<sup>r</sup> of Customs intimates that H.E. the Superintendent will communicate with you officially upon the points questioned, when application is made  
for

for the Port Clearance. we have thought  
it best to lay the facts of the case  
before you at once -. In so doing  
we would simply call your attention  
to the arbitrary nature of the Regulation  
of the Customs Authorities. in endeavoring to  
exact a certificate that is virtually impos-  
sible to obtain. In case of your in the  
event of refusal of the Port Clearance  
to give the ship her papers without such Document  
as H.C. the American Minister is now at this  
port. may we ask you submit this  
correspondence to him, & request him to  
make such communication to the  
proper authorities, as may appear  
advisable, & lead to a settlement of a  
question which must in ~~our~~ opinion  
give rise to much trouble

We are Sir

Your most obedient servant.  
(Edg). Oliphant & Co.



The first of these is the fact that the  
 world is not a flat surface, but a sphere.  
 The second is the fact that the world is not  
 a uniform surface, but a surface of varying  
 elevation and depression. The third is the  
 fact that the world is not a solid mass, but  
 a mass of various parts, each of which is  
 a separate entity. The fourth is the fact  
 that the world is not a static entity, but  
 a dynamic entity, constantly changing and  
 evolving. The fifth is the fact that the  
 world is not a single entity, but a collection  
 of many entities, each of which is a part  
 of the whole. The sixth is the fact that the  
 world is not a simple entity, but a complex  
 entity, with many different parts and  
 functions. The seventh is the fact that the  
 world is not a single entity, but a collection  
 of many entities, each of which is a part  
 of the whole. The eighth is the fact that the  
 world is not a simple entity, but a complex  
 entity, with many different parts and  
 functions. The ninth is the fact that the  
 world is not a single entity, but a collection  
 of many entities, each of which is a part  
 of the whole. The tenth is the fact that the  
 world is not a simple entity, but a complex  
 entity, with many different parts and  
 functions.

Enclosure 3<sup>a</sup> Copy A

Office of Maritime Customs  
Canton. Sept<sup>r</sup> 25<sup>th</sup> 1860

Gentlemen.

I beg to say that in consequence of the manifest of the "Sea Serpent," handed in yesterday, not being made out according to the Regulation, H.E. the Superintendent of Customs is unwilling to exempt the cargo from paying duty.

The Regulation reads thus: "the Certificate to be procured from Hong Kong must state clearly the denomination of goods, the marks, the number of packages & the weight, & it must be therein distinctly & explicitly certified that the goods in question are goods that had really been placed on board the vessel at Hong Kong."

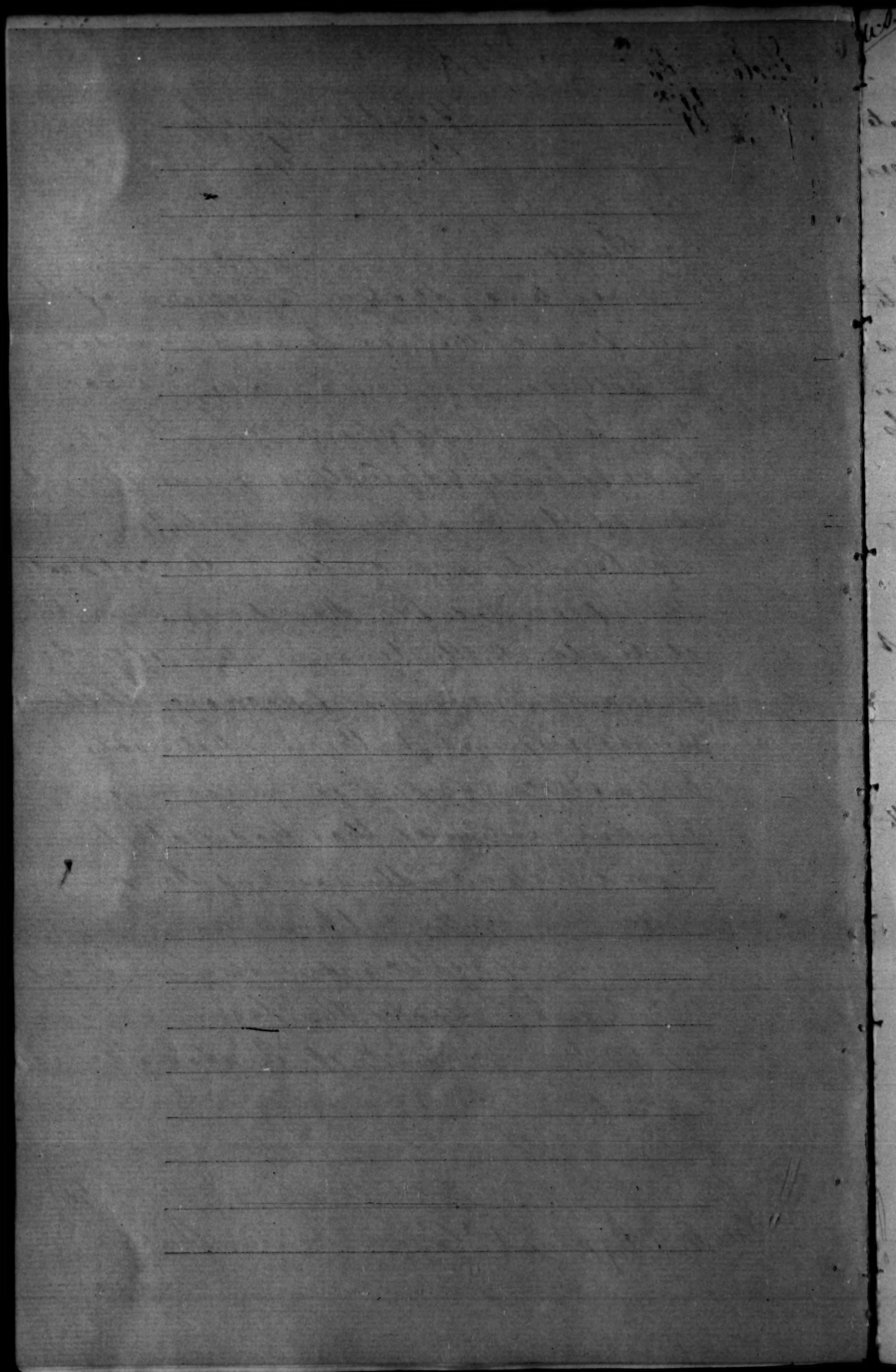
I am, Gentlemen,

Your obedient servant

(Signed) George B. Glover  
Com<sup>r</sup> of Customs

Messrs. Phipps & Co.





Enclosure 4<sup>a</sup> Copy B.

Canton October 17<sup>th</sup> 1860

George B. Glover Esq.

Commissioner of Customs

Canton

We have received your communication of the 25<sup>th</sup> ult. respecting the manifest of ship "Sea Serpent" from Hongkong, and note that as the certificate attached does not state that the cargo was actually taken on board at that port, &c. the Superintendent of Customs is unwilling to exempt the cargo from paying duty.

We have delayed replying until we could communicate with our Hongkong firm, who now request us to say that the omission in the form of the certificate was owing to its being impossible for the Harbour Master to certify to acts of which he could have no positive knowledge. Hongkong being a free port, the Harbour Master cannot know whether cargo that may go to Whampoa in a ship is actually shipped at that port or elsewhere, a further reason



reason for not having this form of certificate  
in the instance of the "Sea Serpent" arises  
from the fact of the ship having taken  
some of the cargo on board at Macao &  
brought it to Hongkong before proceeding to  
Whampoa, — it cannot therefore be considered  
as actually taken on board at the last named  
port, though virtually it was, as the Bills  
of lading, as then dated & the ship there  
cleared for Whampoa. Should it be the  
wish of A.C. the Hon. Co., that such cargo  
as was taken on board at Macao be  
specified, we shall be happy to point it  
out on the manifest, if you will return  
that document for that purpose.

Resuming that the ports of Macao  
& Hongkong are on the same footing with  
the Customs Authorities at Canton we trust  
that this explanation will be satisfactory  
& that A.C. will reverse his decision as  
to the cargo named.

Respectfully

Your obedient servants

(Cgt)

Oliphant & Co.

The first of these is the fact that the  
 government has been unable to secure  
 the necessary funds to carry out its  
 policy of non-interference. This is  
 due to the fact that the government  
 has been unable to secure the necessary  
 funds to carry out its policy of non-  
 interference. This is due to the fact  
 that the government has been unable  
 to secure the necessary funds to carry  
 out its policy of non-interference.



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Encl. 5<sup>a</sup>

Copy. C.

Office of Maritime Customs  
Canton, Oct 18<sup>th</sup> 1880

Gentlemen

I beg to say that H.E. the Superintendent of Customs, before whom I have laid your letter of yesterday's date has instructed me to state, that he cannot see therein any reason for reversing the decision of which you were notified by me on the 25<sup>th</sup> ult.<sup>o</sup>, and it is the intention of H.E. on the Clearance being applied for by the Consulate to communicate officially with that functionary on the point in question.

I am, Gentlemen

Your obedient servant

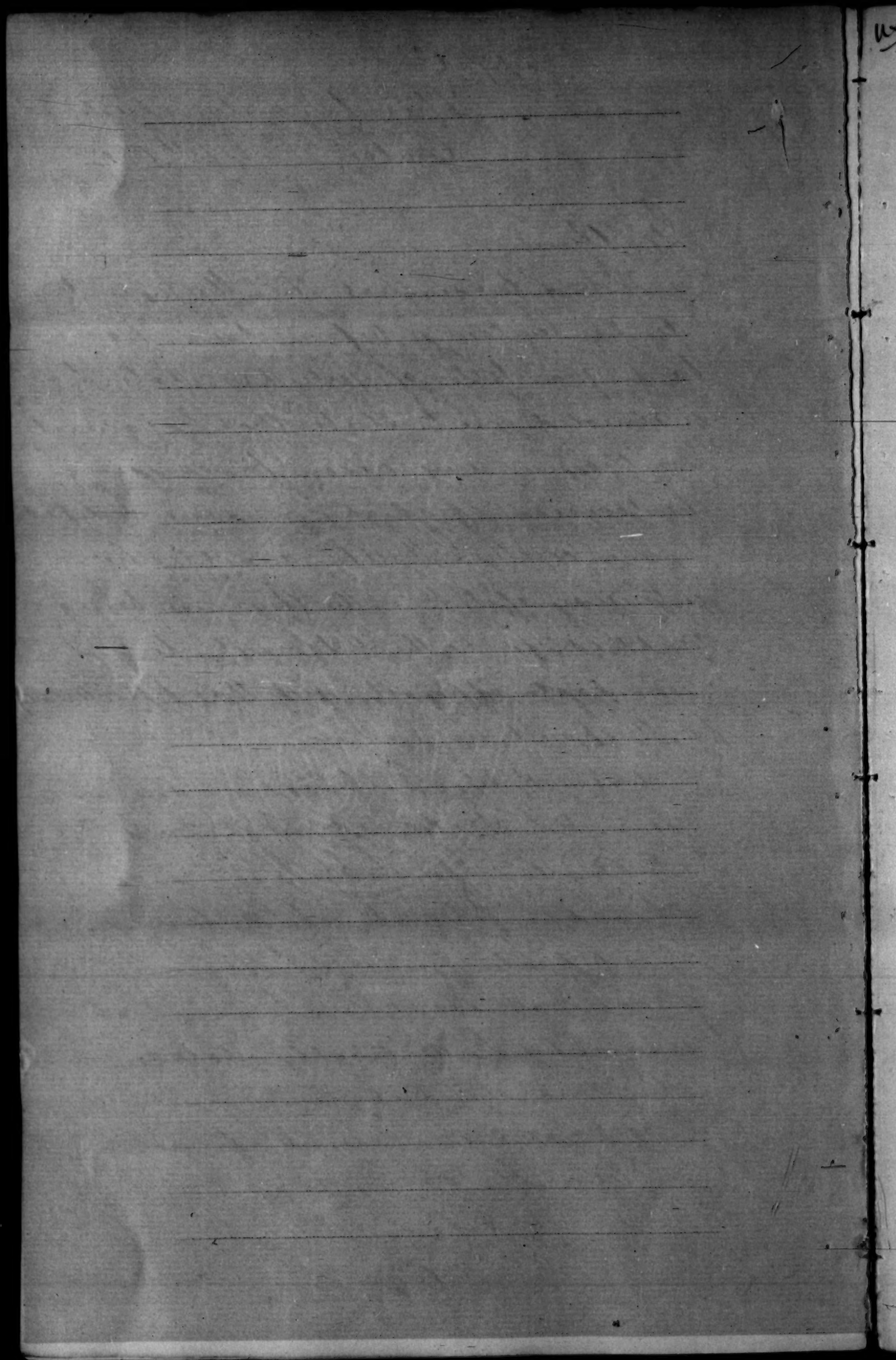
Yrs,

Geo. B. Glover

Com<sup>r</sup> of Customs

Messrs. Oliphant & Co. —





us. Euclum 6a Copys

Legation of the United States  
Canton, Oct. 20<sup>th</sup> 1868

*Leucophaea nigripes*

2. Your consideration of the  
10<sup>th</sup> inst with Enclosures has

Heron's Island. Wm. S. S. S.

In view of these disclosures it appears

ii That the American Ship "Sea Serpent".

has been refused the Clearance

at the Custom House, because he

Manifest is not Magic in

accordance with a Regulation of

The Superintendent of the Canton

Customs which require pass

that all vessels partly laden at

2 Dongrong & thereafter proceeding

to Canton for additional cargo

<sup>4</sup> Should be furnished with a

4 Certificate from the Harbour

Master at Hong Kong in which

must be distinctly stated

the marks, nature, number

series of packages & weight of each

Oliver H. Perry Esq

U.S. Consul

Canton



"each kind of goods, and that  
"they have really been taken  
"on board at Hongkong"

A sufficient objection  
to this Regulation would be  
in the fact that it has been  
adopted without having been  
first submitted to and approved  
by the Consul of the United States,  
or by any other American  
Authority. I certainly am not  
willing that the Citizens of  
the United States should be  
subjected to a system of Rules  
framed alone by the Chinese; but  
even this would be less odious  
than Rules adopted nominally  
by the Chinese, but really by  
foreigners, neither responsible  
to their own, nor to any other  
Government.

Messrs. Olyphant & Co.

have, however, asked that  
their papers should be delivered  
to them, and the ship be

permitted

permitted to go to sea, without the  
usual Port Clearance, whilst the  
Treaty requires that the Consul  
should hold the papers until  
that Clearance has been given.  
To justify a departure from this  
course of proceeding, thus  
sanctioned by Treaty obligations,  
some act of gross injustice must  
first be committed by the  
Chinese Authorities in their  
refusal to grant the Port Clearance,  
and in such an event it is the  
right and the duty of the Consul  
to see that the vessel is not  
unjustly and improperly detained,  
and one great reason for  
depositing the ship's papers  
with him is that he may be the  
judge in all questions of difficulty  
which may arise between the  
Custom House and American  
ships, and under a full sense  
of his responsibility return to  
any American ship her papers  
when



when a Port Clearance has been  
unjustly and improperly withheld  
by the Chinese Customs in an effort  
to extort illegal & improper duties.

Is this such a case? —

In a letter of Mr. Groom, the  
Commissioner of Customs, of the  
25<sup>th</sup> Sept. he says H.E. the Superinten-  
dent of Customs is unwilling to  
Exempt the cargo of the "Sea Serpent";  
as that portion of it taken at  
Hongkong from duty, because the  
Regulation herein before quoted  
had not been complied with.

The clearance of an American  
Ship is then refused for the non-  
compliance with a Regulation  
which has not only been  
improperly adopted, but which  
is in itself not only most  
unreasonable & unjust, but  
manifestly illegal.

By what right can the  
Chinese Government prescribe  
the form of Certificate to be given  
to

103  
just to an American vessel by an  
agent of the British Port in the  
Harbour of Hong Kong? This for  
the Authorities of Hong Kong to  
prescribe the Rules under which  
vessels may leave that port;  
and if they please to make it a  
free port, as they have done, how  
can American Ship Captains be  
expected to obtain the services of  
an officer designated by the  
Chinese Authorities? To state  
distinctly the nature, marks,  
number of packages, weight of  
each kind of goods placed on  
board the vessel.

There is yet a grave objection  
to this Rule. The Chinese Authorities  
allege that a vessel coming from  
Canton from a foreign port.

partially loaded, to complete  
his cargo at the port of Canton  
is not bound to pay duty upon  
that portion of his cargo taken  
on board at a foreign port.

They



They would hardly venture to deny  
this principle, because, as such  
portion of the cargo would neither  
be imported into China, nor  
exported from China, there is no  
clause in the Treaty, under  
which they could lay any  
construction claim the payment  
of duties.

Now, suppose a vessel should  
be partially loaded in Japan, at  
Singapore, or, as in this case at  
Macao, and should go to  
Hongkong, and there take in  
another portion of her cargo  
and from thence come to Canton  
to complete her loading, under  
this Regulation, the Hoppo would  
claim duty on all that portion  
of the cargo which was on board  
when the vessel came into  
the Canton River, whether placed  
on board at Kanagawa, at  
Singapore, at Macao, or at  
Hongkong, unless the Harbour  
Master

Master at HongKong should  
" distinctly state the nature,  
" marks, number of packages  
" and weight of each kind of goods,  
" and that they had really  
" been taken on board at HongKong "

Now would it be  
possible for the Harbour  
Master of HongKong to give  
such a certificate? —

After a  
careful examination of the  
papers submitted to me,  
I have decided that the  
Chinese Authorities have no  
right to claim duty upon  
that portion of the cargo of  
the "Sea Serpent" brought  
from HongKong, and if after  
you have officially demanded  
her clearance at the Custom  
House it is still refused, and no  
other reason assigned than that given  
by Mr. Glover, the Com<sup>r</sup> of Customs in his  
letter of the 25<sup>th</sup> inst, to wit, the  
failure of the prescribed Certificate  
from



from the Harbour Master at  
Hong Kong, who will give  
the ship her papers, and  
permit her to go to sea.

I am, Sir, Very respectfully

(Signed) John E. Ward







V.

Recd by W. H. F. Nov. Mr Smith

Washington, Nov 3. 1860

Hon. Lewis Cass,  
Secretary of State.

Sir,

By the terms of the Convention made at Shanghai, Nov. 8, 1858, between the American and Chinese Ministers, the sum of 500,000 taels was agreed upon as the amount to be paid by the Chinese government for all claims upon it on account of losses sustained by American citizens. The commission to investigate these claims admitted a total of about 490,000 dollars, as the sum to be paid those citizens for their losses out of the proceeds of the debentures issued by the customs authorities in payment of the total amount named in the Convention. Two instalments have been already paid to the claimants, amounting to nearly 60 per cent. on their awards, and there is a reasonable prospect that the remainder will be liquidated during the year 1862. When these claims have been paid, there will remain the sum of a little more than 200,000 dollars in the hands of the United States authorities in China, and subject to their direction.

The disposition to be made of this surplus has perhaps already engaged your attention, but I would respectfully suggest that it be used as a fund for establishing a school of a high rank in China, where the natives of that empire can be taught the languages and science of western countries, under the tuition  
of



of competent men, with the object of making them serviceable to their own countrymen and government. Such an application of this money will commend itself to the Chinese people, who are familiar with literary institutions; and my acquaintance with schools established by foreigners in China assures me that they are appreciated, and that there will be no lack of pupils to attend such a one as is here proposed. The whole design of the school can be made known to the Chinese authorities, and they will attach importance to a plan which comes before them with the sanction of the American minister.

I am unable to enter into details respecting the constitution of such a seminary, nor am I certain which would be the best port to locate it. The money could be invested under the direction of trustees living in China; and the American minister, to that country, the consul at the place, and the instructors of the institution, with such other suitable persons resident there, <sup>could</sup> be constituted a board of management. After the necessary buildings to accommodate two foreign instructors and about fifty pupils, ~~were~~ erected, I estimate the permanent income would be at least ten thousand dollars annually; and this would defray their charges, and the general expenses of the establishment. The experience already obtained would guide in the conduct of this institution, and I apprehend no serious obstacle would arise in carrying out the design with economy, wisdom, and efficiency. Of the benefits likely to accrue to the Chinese from the results of such a school, conducted by able teachers, I need not  
here

here enlarge; the object of this communication is simply to bring the founding of it to your favorable notice by giving an outline of the way in which this surplus can thus be applied.

I have the honor to be, Sir,

Your obedient servant  
S. Wells Williams





Mr. Derrick, &c. preferred

It is calculated by the Receiver & Depositary of the moneys collected from the Chinese Government as indemnity for the claims of our citizens against it, that the amount in hand by the first of August next will be nearly, if not quite enough, to liquidate these all. The total value of the debentures, granted by the Collector of Customs, remaining in the hands of the Depositary at that period, will be about two hundred thousand dollars; and the cash for these certificates will probably accrue before the end of 1862. I proposed to Mr. Buchanan and Gen. Cass that this surplus be allowed to accumulate until it is all paid in, and that then it be devoted to the founding of an institution for the education of Chinese in the knowledge of western nations; a portion of the fund to be used in erecting suitable buildings, and the income of the remainder appropriated to maintaining as many teachers and scholars as it can. A sketch of the plan had been submitted to Gen. Cass last November, but no action was taken, though he and the President



both expressed themselves favorably of this disposition of the money.

Among the claims which were brought before the Board of Commissioners, were those of three Chinese stewards, whose property was lying in the houses of their employers at the time of the attack, and burned with them. These claims could not be allowed by the letter of the act, but may now be paid from the interest of the surplus. The losses sustained by these men are described in the accompanying letter. The claim of Nott & Co. might be paid in the same manner, and all would be cancelled at the end of three years.

The appointment of vice-consuls in China is sometimes a matter of delicacy. The Consular Regulations allow a consul to appoint a vice consul on his departure from his post, while the Diplomatic Instructions given to Ministers, seem to confer the appointment to such vacancies to him. In China the approval of the Minister to such posts might be required, and the entire selection and appointment when the vice consul himself retires, not allowing him a right of designating his successor. In some instances, the post of Consular <sup>functionary</sup> has been filled by persons of foreign birth, ~~and~~ <sup>or others</sup> quite incompetent, but I do not know that much injury has ensued in consequence, for it has hitherto been only for a short interval.



S. M. Williams  
Care of

Dr. Mont's Son  
+ 6?  
48 South St.

New York

The Museum Can  
No. 400 City

[of 3<sup>rd</sup> Nov<sup>r</sup> 1860]

See also O. S. Roberts'  
letter of 16<sup>th</sup> Feb<sup>r</sup>. 1860, relative  
to claims of Chinese Owners  
on file

The question of the degree of protection to be given to natives in the employ of Americans is worthy of consideration in the present and prospective relations with China. They expect, when entering the service of our citizens, a degree of protection they perhaps would not receive among their countrymen; especially those who are employed by missionaries as teachers, preachers, colporteurs, or boatmen. The policy of the local authorities is, whenever foreigners excite their displeasure, to annoy them by seizing or firing their servants, who are themselves quite innocent of the least implication in the allegation. Some clauses in the treaties provide for the safety of native employees, but how far shall the system of protection extend? A circular based on the stipulations of the treaty, and addressed to the Americans residing in China, might be made to cover this vaguely defined subject so as to forbid unfounded expectations. The principal source of <sup>anxiety</sup> ~~terrible~~ seems likely to arise from the relations subsisting between missionaries and their native assistants; while these obligations and the degree of protection which



necessantly arises between these parties, should not be altogether unnoticed; those between merchants and their clerks or servants are better understood and generally easily decided. The granting of passports to travelers through China, or permission to missionaries to reside away from the ports where the American treaty allows our citizens to live, are both derived from other treaties, and some regulations need to be issued, - though perhaps not until experience shows what evils are to be guarded against. This whole subject of native protection, where the foreigner claims the rights of ex-territoriality for himself, is a perplexing one, and the various questions arising out of it can hardly be met by any single enactment or circular.

The coolie trade demands legislative action as soon as it can be obtained. Its present condition opens a wide door for outrage and oppression, and as long as American ships engage in the transportation of the coolies, their captains and supercargoes should be required to conform to such wholesome regulations as will effectually prevent kidnapping and deception. It is probably impossible to remove all causes of complaint, but at present the business of this kind of emigration is in the hands of some who are unscrupulous as to the means used to fill up their ships. If suffered to go on as the trade has been conducted, the American name will be rendered infamous among the people, but the remedies for the wrongs complained of are mostly in our own hands, if the consuls will act efficiently in carrying out their instructions and levying such penalties as may be incurred. One mode of preventing a



part at least of the evils connected with the trade & the  
engagement of the coolies, will be to require every  
captain to engage the services of competent inter-  
preters to examine the men at some period before  
they sail.

Via Marseilles  
Per A. M.  
McDermick

<sup>Duplicate</sup>  
Legation of the United States  
Hong Kong November 10<sup>th</sup> 1860

To the  
Honble Lewis Cass  
Secretary of State  
to to

Sir,

I have the honor to advise you that I have this day drawn on Messrs Baring Brothers & Co my Bill for £232..8..9. Two hundred and thirty two pounds  $8\frac{9}{16}$  sterling for Calcutta for the quarter and a half ending September 30<sup>th</sup> 1860 being at the rate fixed by the State Department of \$4.84 per pound sterling

The rate of exchange on this day was  $5\frac{1}{8}$  four shillings & eight pence per dollar as per annexed certificate. For the loss by Exchange which amounts to \$128. $\frac{84}{100}$  One hundred & twenty eight dollars  $\frac{84}{100}$ . I have drawn on the Department at 30 d/s thirty days sight in favor of Messrs Augustine Heard & Co. my Bill for \$155. $\frac{23}{100}$ . One hundred and fifty five dollars  $\frac{23}{100}$ , which includes the loss by Exchange on Washington, now at 17%. Seventeen per cent. discount, to which please give due honor.

I have the honor to be, Sir

Very respectfully. Your obedient Servant.  
Geo. W. Heard Jr.



3

We, the undersigned, do hereby certify that we have this day purchased from Geo. W. Heard, Jr. Secretary to the Legation of the United States to China, his Draft dated this day for the sum of /\$155.<sup>23</sup>/<sub>100</sub>/, One hundred & fifty five Dollars & 23/100 I have paid him therefor, /\$128.<sup>84</sup>/<sub>100</sub>/, One hundred and twenty eight dollars, <sup>84</sup>/<sub>100</sub>, which is the actual loss on a Bill of Exchange on London of /£232.. 8.. 9./, Two hundred & thirty two pounds, 8/9 stg., at the present rate of /4/8 3/4/ four shillings & eight pence per Mexican dollar in this place, reckoning the pound stg @ \$1.841), that being the net proceeds of said Draft after deducting the present rate of Exchange between this place and New York, at this date of (17) Seventeen Cents on the dollar upon its face as set forth in the following statement

Date	Amt. of Dft. in US currency	Rate of Exchange	Cost of negotiation	net Proceeds	upon whom & on what account drawn
Nov <sup>r</sup> 10 1880	\$155.23	17%	\$26.39	\$128.84	On Secretary of State for loss by Exchange on London for £232.. 8.. 9

Hong Kong November 10. 1880

Augustine Heard.



The undersigned, Secretary of the  
 Chinese Consulate at San Francisco,  
 do hereby certify that the above  
 named vessel, being a Chinese  
 ship, was on the 1st day of  
 the month of June, 1877, at  
 the time of her arrival at the  
 port of San Francisco, and  
 that she was then under the  
 command of the Captain, and  
 that she was then engaged in  
 the coasting trade between  
 the ports of San Francisco  
 and the ports of the coast  
 of California.

Legation of the United States  
Hongkong, November 10 1860

I, the undersigned, Secretary to the  
Legation of the United States to China, do  
hereby certify that I have this day sold my  
Draft for Loss by Exchange, dated Nov. 10  
1860 for, ( $\$155. \frac{23}{100}$ ), One hundred & fifty five  
dollars  $\frac{23}{100}$  to Messrs, Augustine Heard & Co.  
I have received therefor the sum of  $\$128. \frac{26}{100}$ , One  
hundred & twenty eight dollars  $\frac{26}{100}$ , the differ-  
ence between which sum and amount of said  
Draft, viz, ( $\$26. \frac{31}{100}$ ), Twenty six dollars  $\frac{31}{100}$  being  
the loss actually and necessarily sustained  
by me, in the negotiation or sale of the  
same, and I further certify that the  
said Messrs, Augustine Heard & Co. who  
have signed the foregoing certificate are  
merchants residing and doing business  
at Hongkong

Geo. W. Heard Jr.



*[Faint handwritten notes, possibly bleed-through from the reverse side.]*

I have the honor to acknowledge the receipt of your letter of the 10th inst. in relation to the matter of the 1st inst. and in reply to inform you that the same has been forwarded to the proper authorities for their consideration. I am, Sir, very respectfully,  
 Yours, etc.,  
 J. W. Thompson

Via Marseilles Per 11 July

Legation of the United States  
Hongkong. Nov<sup>r</sup> 10 1860

To the  
Honble Lewis Cass  
Secretary of State  
Washington

Sir,

I have the honor to advise  
you that I have this day drawn  
on Messrs Baring Brothers & Co, London  
my Bill for (£ 232.. 8.. 9.), Two hun-  
dred and thirty two pounds <sup>8/9</sup> sterling  
for Salary as Secretary to the Legation  
of the United States to China, for the  
quarter and a half ending on the  
30<sup>th</sup> September 1860, being at the rate  
fixed by the State Department of,  
(<sup>\$</sup>4.84 <sup>24</sup>/<sub>100</sub>), four dollars <sup>24</sup>/<sub>100</sub> per pound sterling.

The rate of exchange on  
this day was (<sup>5</sup>11/8 <sup>2</sup>/<sub>100</sub>), four shillings and  
eight pence per dollar as per annexed  
Certificate. For the loss by exchange,  
which amounts to, (<sup>\$</sup>128. <sup>74</sup>/<sub>100</sub>), One hundred  
and



and twenty eight dollars  $\frac{28}{100}$ . I have drawn  
on the Department at (30 ds) thirty days  
sight in favor of Messrs Augustine Heard &  
my Bill for  $(\$155 \frac{23}{100})$  One hundred and  
fifty five dollars  $\frac{23}{100}$ , which includes  
the loss by exchange on Washington now  
at (17%) Seventeen per cent discount. to  
which please give due honor.

I have the honor to be  
Sir

Very respectfully

Your most obedient servant  
Geo. W. Heard Jr.

20



and twenty eight dollars. I have drawn  
on the bank for a bill of thirty dollars  
and have given of the same. I have also  
given a bill of fifty dollars and  
fifty five dollars. I have also  
given a bill of twenty dollars and  
twenty five dollars. I have also  
given a bill of ten dollars and  
ten and a half dollars.

I have the honor to be

Very respectfully

Yours very truly

J. C. [Signature]

D

N. Per 15 Jan. Mr. H. L. Smith

Official No 25

Legation of the United States  
Hong Kong

November 14 1860

Sir,

I have the honor to inform you that on the 25<sup>th</sup> of October a Convention was signed between the Earl of Elgin and Kincardine Special Envoy of Great Britain and Prince Kung, the Plenipotentiary of China, and Brother of the Emperor.

In that Convention, the Emperor of China expresses his regret at the Taku affair: — the right of a British Minister to reside in Peking is re-asserted: — an additional sum of four million taels is required to be paid: — Tientsin is opened to trade: — the Coolie traffic is legalized: — Cowloon is ceded to the British Crown, and made

a

The Hon<sup>ble</sup> Lewis Cass  
Secretary of State



a part of the Colony of Hongkong:  
the Treaty of Tientsing, and the  
Convention are to be published  
throughout the Empire, & to go into  
operation at once.

As this Convention was signed by  
the Brother of the Emperor most  
unwillingly, under a threat that  
Peking would be burned, and two  
million of people driven from their  
homes, as the result of his refusal  
to sign, it is not believed that it  
will be observed by the Chinese  
after the withdrawal of the force by  
which it was extorted from them.

The Emperor has not yet  
returned to Peking, nor has he given  
his decree for the publication of the  
Treaty. The French Army had  
already retired from Peking & fallen  
back upon Tientsing.

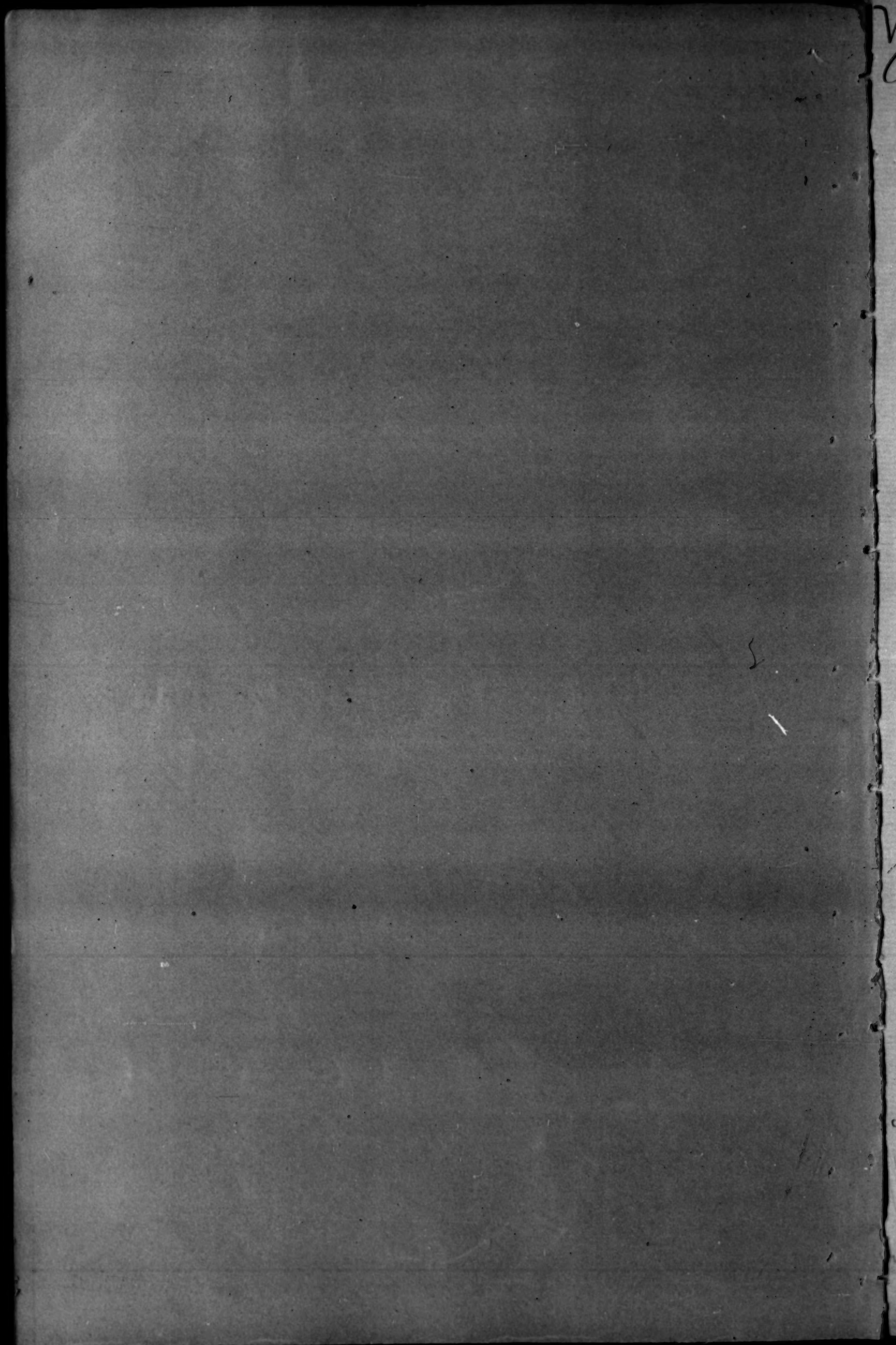
Lord Elgin was to have left  
Peking with the English Army for  
the same place on the 8th inst. &  
Mr Bruce & Mr. de Bourbonlour have  
left

left Shanghai to join them  
there. A force of six thousand  
men will be retained there for  
the purpose of ensuring the en-  
trance of the Ministers into Peking  
in the Spring. The observation of  
the Treaty on the part of the Chinese  
Lord Elgin has been eminently  
successful in his entrance into  
Peking in a green sedan chair,  
carried by sixteen Coolies, all  
dressed in scarlet. He will leave  
China in 1860. Very much as he  
left it in 1858. Except that Tientsin  
is in possession of the  
Allies. Their forces are in a  
better condition to operate against  
the capital.

I have the honor to be  
Sir

Very respectfully  
Your obedient servant  
John E. Ward





V. Recd 28 Jan Mr. Smith  
Official D.P. 26

Legation of the United States  
Hong Kong. November 28 1860

Sir,

I have the honor to acknowledge  
the receipt of Despatches No. 18, 19 & 20  
and beg to express to the President &  
the Department my acknowledgments  
for their compliance with my wishes  
in the appointment of Mr. Heard, a  
Secretary of the Legation. This ap-  
pointment, however, having been  
made at my request for a special  
purpose will not be considered by  
me, as revoking the instructions  
heretofore received to place the ar-  
chives of the Legation in the hands of  
Commodore Stirling, whenever I  
should be able to leave China; under  
the leave of absence granted by  
the President, and to avoid all questions  
upon

Monte Lewis Cass

Secretary of State

to

to

Washington D.C.



upon this subject, Mr. Heard will resign  
his office at the time of my departure  
from China. Commodore Stirling  
has at all times been kept fully  
advised by me, upon the different  
subjects, which have required my  
attention, and I am perfectly satisfied  
that the interests of the Government  
could not be in better hands. Every  
thing has been now arranged by me  
for my departure from China &  
I am now only awaiting the return  
of the "Niagara", as the Captain of that  
vessel informed me that he had been  
ordered by the Secretary of the Navy to  
convey me in the "Niagara" to Ader.

She is now more than due here  
as she arrived at Yedo on the 9<sup>th</sup> inst.  
under orders not to remain more  
than ten days; unless her stay  
there should be protracted, must  
be beyond that time. I shall leave  
China in about two weeks. —

The English Treaty has been  
published, it is alleged, under a  
decree

decree from the Emperor, but the Emperor has not returned to Peking, and the English and French Ministers are with the army at Tientsing; to which place they have gone to winter. Lord Elgin and Baron Gros are soon expected here on their way to Europe. Mr. Bruce & de Bombarton will remain at Tientsing. About twelve thousand of the Allied forces will be kept in China to maintain the peace secured by Lord Elgin and Baron Gros. The Russian Minister is in Peking, where his influence is said to be very great. It is believed that after the departure of the Emperor from Peking, it was Lord Elgin's wish to overthrow the Tartar Dynasty & to place a Chinaman on the throne. He was opposed in this view both by the French and Russian Ministers & the idea was abandoned.

Everything in China, however,

is



is still in the most unsettled state,  
and must remain so, until the  
present dynasty is either over-  
thrown, or regains its power.

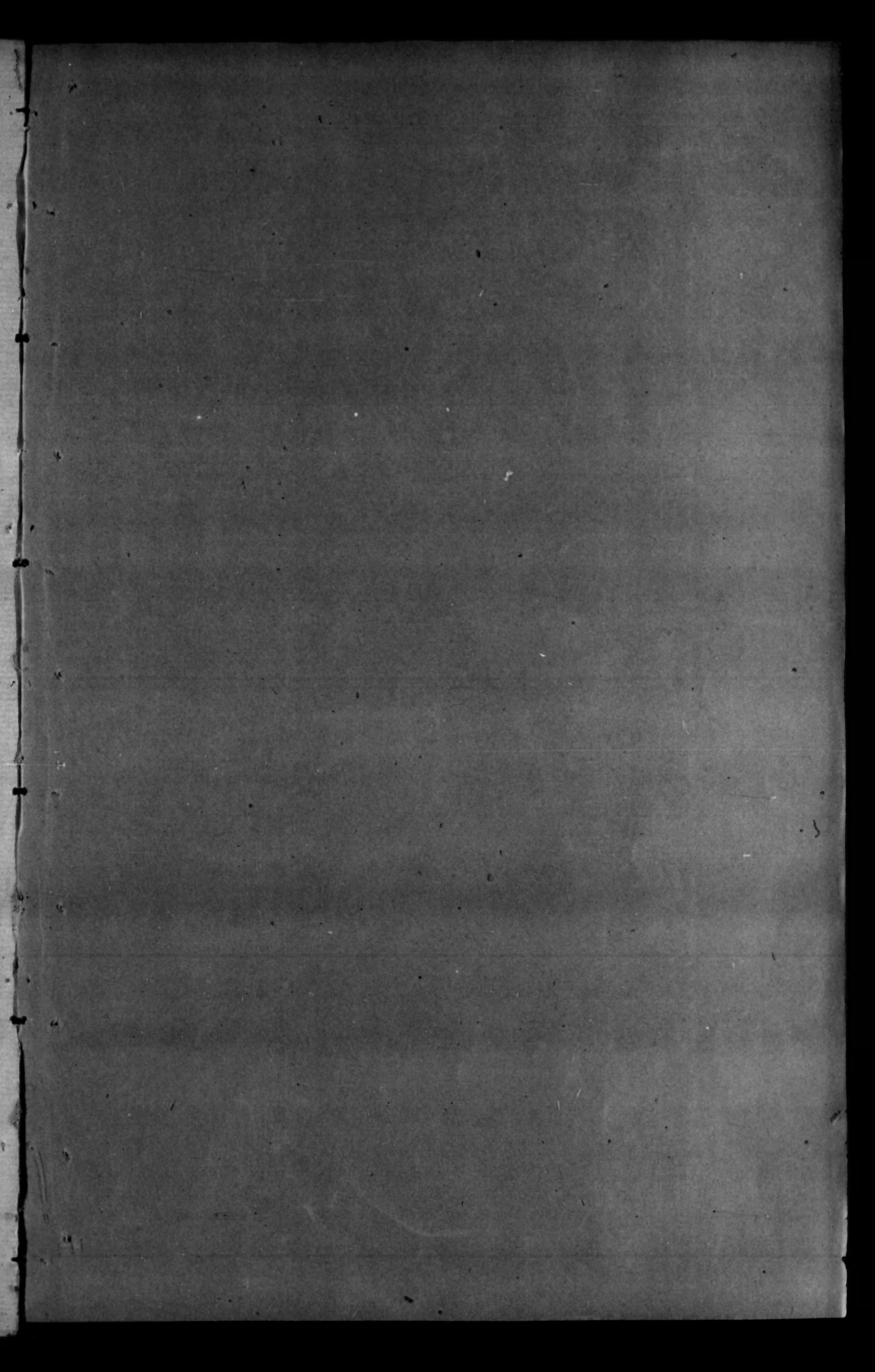
I have the honor to be

Sir,

Very respectfully

Your obedient servant

John. & Ward





N

N  
Recd. 28. Jan. Mr. Serrin

Official N° 27.

Legation of the United States  
Hong Kong

November 29<sup>th</sup> 1860

Sir,

I have the honor to inform  
You, that some time since, the  
American merchants at Foochow  
appealed to me from a notification  
issued by Mr. Samuel L. Gouverneur, Jr.,  
the U.S. Consul at that place,  
requiring them to register their house  
boats, & forbidding them without  
such register the use of the American  
flag. Believing the order of Mr.  
Gouverneur illegal, & that there  
was no impropriety in any  
American merchants hoisting the  
flag of his country over the small  
boats used by them to commu-  
nicate with their vessels, I gave  
my opinion to the Consul in a  
communication

Hon<sup>ble</sup> Lewis Cass

Secretary of State

Washington D.C.



Communication of the 10<sup>th</sup> November,  
a copy of which, I herewith Enclose.  
(marked N<sup>o</sup> 1.)

Upon its receipt the Consul issued  
a public notification to the merchants  
a copy of which I have just received  
and have the honor herewith to  
Enclose (marked N<sup>o</sup> 2.), by which  
you will see that the merchants  
are simply told, that the Consul  
differs from the Minister, and  
that they must use their discretion  
as to whom they will obey.

I forbear to comment upon this  
conduct, but simply bring it to the  
notice of the Department, because  
if this official is not rebuked &  
taught that the opinion & decision  
of the Minister upon appeals taken  
to him, are of binding obligation,  
until such opinion and decision  
shall be reversed by order of the  
Department, you will see how  
utterly impossible it will be  
for a Minister to discharge  
the

the duties imposed upon him by  
law, and what inextricable  
confusion would soon be  
produced.

I have the honor to be,  
Sir,

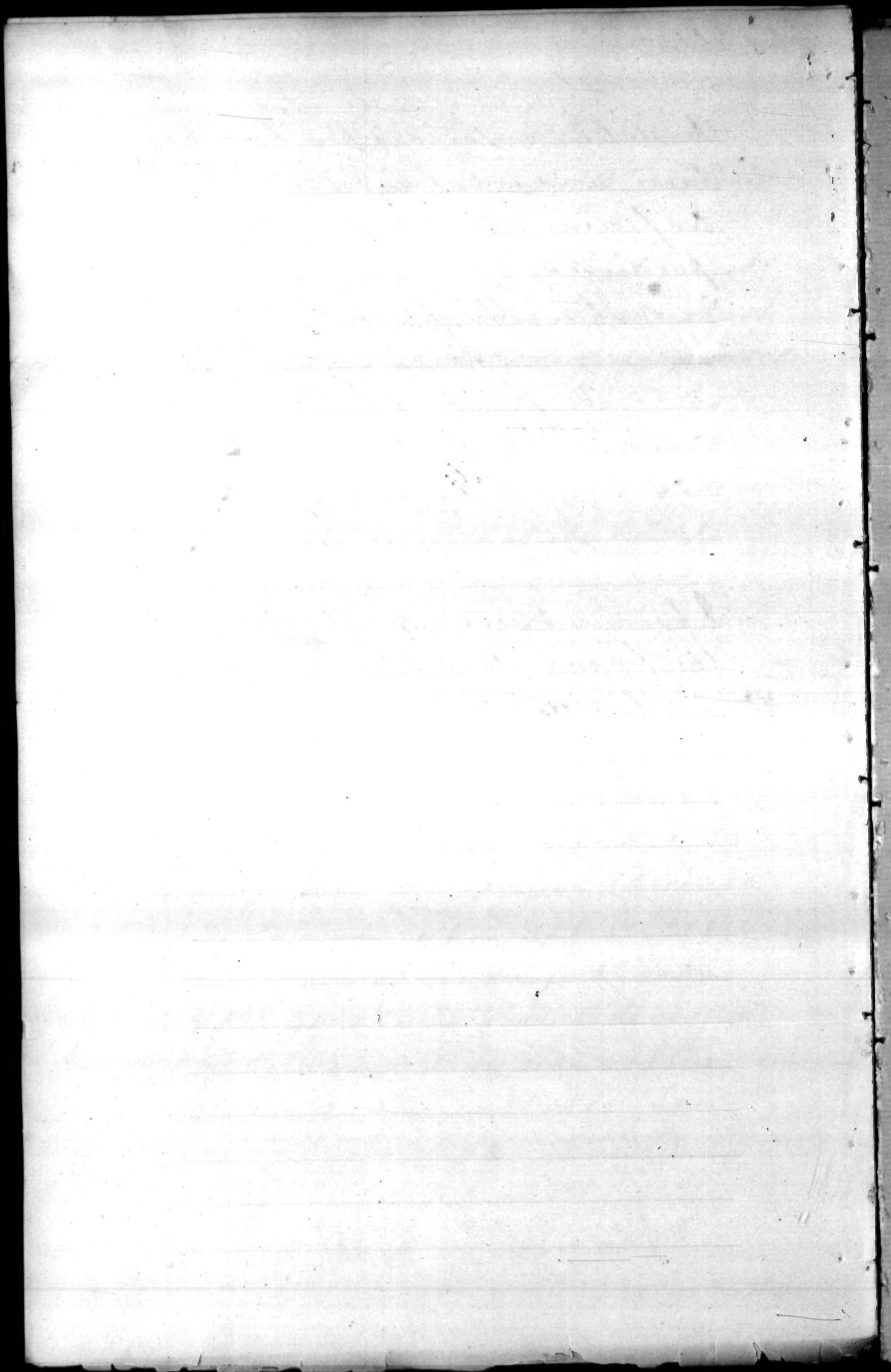
Very respectfully  
Your obedient servant,

John E. Ward

I have not received the letter of  
the Consul to which he alludes  
in his notification, marked N<sup>o</sup> 2.

John E. Ward





Copy No 1.

Legation of the United States  
Canton November 10<sup>th</sup> 1860

Sir,

Your Communication of the  
31<sup>st</sup> Inst. with Enclosures has been  
received.

In my judgement there is no law  
which authorizes you to require the  
Citizens of the U.S. to register their  
House Boats, or upon their failure  
so to do to forbid them the use of  
the American flag. nor do I believe  
such an order calculated to prevent  
smuggling. American Citizens would  
certainly have the right to use  
their boats without flag, and I  
cannot see how the use of the flag  
will increase or prevent smuggling.

Should any smuggling be attempted  
by the boats either with or without  
flag

Saml L. Gouverneur Esq.

U.S. Consul

Poochow



flag, they should at once be seized  
and punished

Respectfully

Your obedient servant

(Signed) John E. Ward.

Copy No 2.

Consulate of the United States of America  
Foochow. November 22<sup>nd</sup> 1880

Gentlemen,

Have the honor to Enclose herewith  
a communication of an official  
character from Mr. John Edward,  
U.S. Minister in China, in reply to  
an appeal taken from a notification  
issued by me to the American Merchants  
at this port, dated October 25<sup>th</sup> 1880

My own views will be probably  
more fully expressed by the following  
concluding paragraph of my reply  
to his letter.

" In conclusion I have the honor  
to state that I differ from you so  
totally in your views as expressed in  
your letter of November 10<sup>th</sup> 1880, that  
I shall appeal from your decision  
to the President of the U.S. Your  
letter of course I must furnish  
to those who desire to learn  
your views in relation to flying  
the flag, when they must use  
their



" their own discretion, whether they  
" will do so or not"

(signed) S. L. Gouverneur D.

U.S. Consul

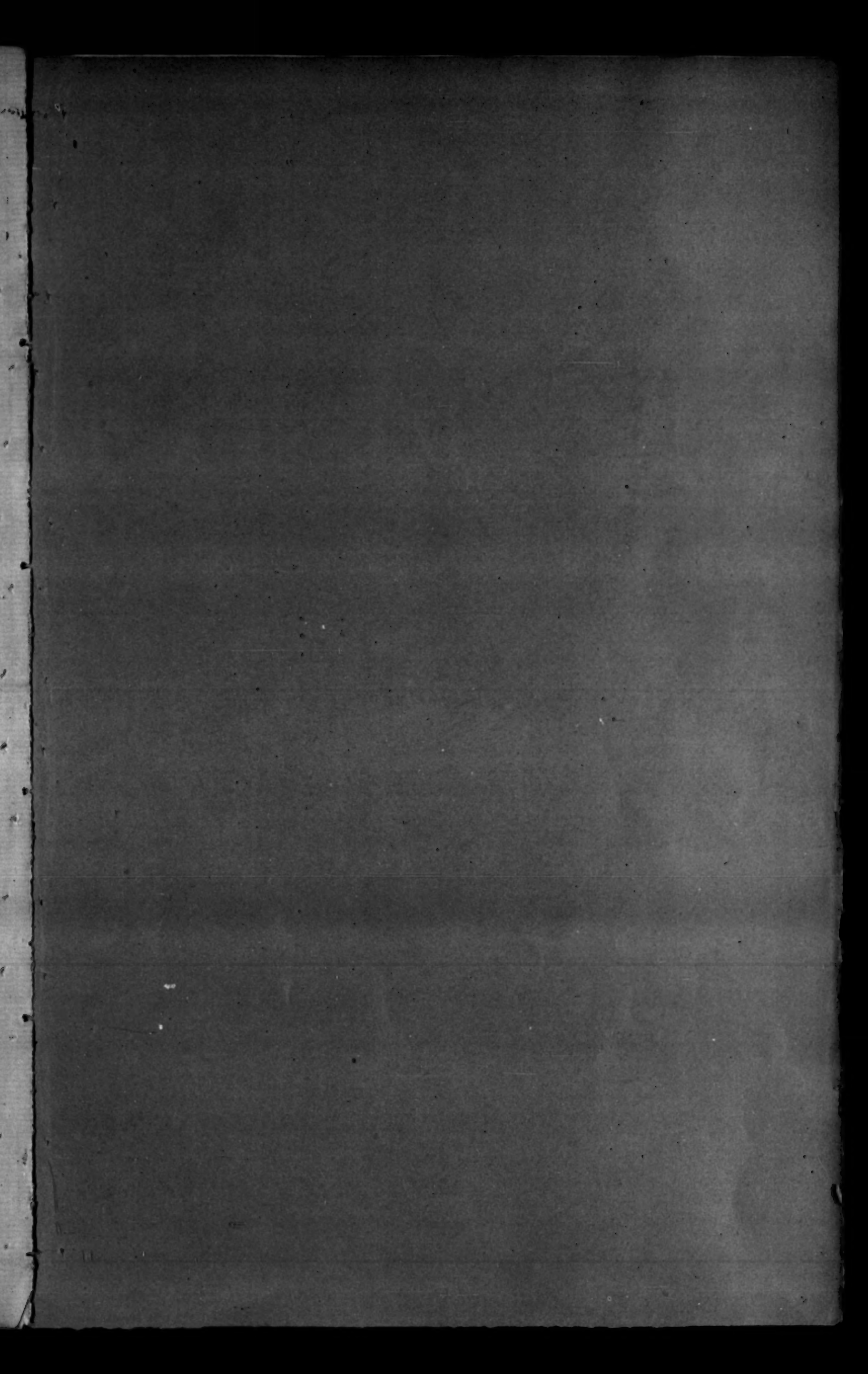
Messrs Russell & Co

or Augustine Heard & Co.

or Olyphant & Co

or Hedge & Co

or Bull Purdon & Co.





Hong Kong  
Nov. 29. 1860

My dear Governor.

I have borrowed the hand of a friend to write you, because I must ask the favor of you to ask the President & the Secretary of State to read this note.

I regret that I have been compelled on the eve of my departure from China to present the conduct of Samuel L. Governor's Dr. to the State Department, and to ask that he should be censured. There are matters that I desire to acquaint the Government with, yet do not feel authorized to

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to present in an official form  
— simply because I must use  
the name of Mr. Dexter, & he is  
not now in Hongkong to give  
me the authority to do so.  
but I am perfectly willing that  
Mr. Gouverneur should under-  
stand that I have requested  
his removal from office.

The Despatch of this date  
(N<sup>o</sup> 27), in which I have ex-  
plained the conduct of Mr.  
Gouverneur, and his insolent  
attempt to set aside my  
decisions, will explain itself.

My object in writing this  
note is to urge the necessity  
of immediately noticing the  
conduct of Mr. Gouverneur  
and teaching him that he  
is not beyond the reach  
of

of his Government. He has been  
acting under this impression  
ever since his arrival in  
China. Mr. Dexter, a mer-  
chant of Boston, son of  
Franklin Dexter, & the son-  
in-law of Mr. William Appleton  
informed me that on one  
occasion, when he remonstra-  
ted against an improper  
charge, made by the Govern-  
ment the latter replied, he Dexter  
could not help himself but  
must pay it. Dexter answered  
that he could complain to  
the Government, to which  
the Govern-ment replied, "Well,  
" what will you get; it will  
" take six months for a reply;  
" the Government will then call  
" upon me to explain the  
charge,



"charge, I will not answer for  
"a long time, and will not  
"then give a very lucid  
"explanation. I will of then  
"receive a sharp reply stating  
"that my answer is not  
"satisfactory. I will answer  
"that I have no other ex-  
"planation to give; and  
"they will then remove me  
"All this will take two years  
"and that is as long as I  
"care to stay in this dam-  
"ned Country"

I trust, my dear Gover-  
nor, that you will give me  
your aid to see that this  
man is at least censured  
for the conduct reported  
by me in my official  
despatch.

Very truly Your friend

John Edward

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Official N° 28.

Per 12. Feb. Mr. DeBick  
Legation of the United States  
Hong Kong  
December 8<sup>th</sup> 1860

Sir.

I have the honor to inform  
You that since the date of my  
Official Despatch N° 27. I have received  
from Samuel L. Gouverneur Esq.  
the Consul at Foochow, the despatch,  
which I have the honor herewith to  
enclose, with my reply thereto, (En-  
clo-  
sures N° 1. & 2. -), and to which I  
respectfully ask the attention of  
the Department, in connection  
with my last official despatch  
(N° 27.) -

I have the honor to be  
Sir.

Very respectfully  
Your obedient servant  
John E. Ward

The Hon<sup>ble</sup> Lewis Cass,  
Secretary of State,  
to  
Washington,



✓

Consulate of the United States of America  
Foo Chow Foo. Nov. 23<sup>rd</sup>, 1860.  
Sir,

I have the honor to acknowledge  
the receipt of your reply to my communication  
of the 31<sup>st</sup> ult<sup>o</sup> dated, November 10<sup>th</sup> /60.  
You say "In my judgment there  
" is no law which authorizes you to require  
" the citizens of the United States to register  
" their House Boats, or on their failure  
" to do so, to forbid them the use of the  
" American flag; nor do I believe such  
" an order calculated to prevent smuggling."

Am I to judge from this that  
any and all vessels, boats, junks, and  
lorchas owned by United States Citizens  
have the right to use the "American" flag?  
or do you confine the right to do so  
only to "House Boats"? If so, I beg  
you will in order that my action may  
be controlled by your "judgment", at an  
early date inform me what vessels are  
to be considered "House Boats", and to  
what extent of tonnage they may be built  
under that name, with the right to use  
the flag of the United States.

If you mean that all vessels  
lorchas &c owned by "American" citizens  
have the right to use the "American" flag  
you yourself will not doubt that as  
that opinion becomes public every  
smuggling boat and piratical lorch  
will immediately pass into the hands of



citizens of the United States.

If in your "judgement" there  
"is no United States law which au-"  
"thorizes me to forbid the use of the "  
"Amuran flag" will you not concede  
that the Chinese Authorities have local  
jurisdiction in their own tide waters,  
on a river running thirty miles to the  
Sea? and they have the right to solicit  
me to call upon citizens of the United  
States, if they desire to fly the flag  
to inform this Consulate? in order  
that they may know when to obtain  
the information if they desire it, of  
the character, class, and description  
of any boat, that if suspected of  
illegal traffic, they may identify  
the same?

In my letter of the 31<sup>st</sup> ult. you  
will observe that I distinctly say "that"  
"it had been represented to me for a long"  
"time by the Authorities that a large"  
"and increasing smuggling trade was"  
"being carried on the River Min by boats."  
("I used the words boats") flying the  
"Amuran" flag, and they requested  
of me the names of those boats  
which had the right to fly that flag;  
What answer should I give them? Only  
that I would require citizens of the  
United States who professed to have  
boats engaged in a legal traffic, to  
record their boats with a description  
of the same in this Consulate in order

that I might inform them.

In relation to your expression "Nor do I believe such an order calculated to prevent smuggling", with great respect I beg leave to suggest to you not only, that the Chinese Authorities possess more information on that subject than either you or I can; but I am impelled to say, that residing on the spot, by the action of Congress made independent of the merchants, and surrounded by sources of information in relation to the trade of the port, both Chinese & foreign, I certainly have better means of forming a correct judgment in relation to that than you possibly can have.

During your stay in China from the impossibility of securing suitable residences at the different ports you have visited, you have been thrown on the princely hospitality of those merchants who appeal from my "Notification".

Your stay at this port was forty eight hours during which time you did not leave the Hong of Raphael Des.

I offered as you will observe by reference to my letter of October 9<sup>th</sup> & No 3 from this Consulate addressed to you there, to furnish you with any information in relation to the trade of this port on file in this office, to this letter I received no reply.

You say "American citizens would certainly have the right to use their



"boats without flags" To this there  
certainly cannot be a doubt,

But you add, "I cannot"  
"see how the use of the flag will"  
"increase or prevent smuggling"

With great respect I have the honor  
to inform you that boats flying the flag  
of Great Britain and the United States  
are not stopped at the Custom House  
half way down the River, by which the  
flag is made "to come" the smuggled  
cargo, whereas always, those boats  
not flying those flags are stopped  
and inspected by the Custom House  
Officials.

You conclude, "should any"  
"smuggling be attempted by the boats"  
"either with or without flags, they"  
"should at once be seized and pun-"  
"ished."

If you will refer to my letter  
of the 30<sup>th</sup> Ut. you will find that  
I say "In many cases these boats"  
"carrying guns, commanded by Amer-"  
"icans and foreigners, with arms in"  
"their hands defied the Officers of"  
"Customs."

Protected by the flag, the  
Chinese officials taught by repeated  
lessons the danger of an attack on  
boats carrying flags, fear to stop them;  
Flying no flag they without hesitation  
compel them to stop and examine  
their cargo, if they have not a proper

receipt from the Custom House at  
the City for duties paid

According to your letter the flag of  
the United States can be flaunted  
in the face of the Chinese Authorities  
on every craft, smuggling or piratical  
the ownership of which is vested in  
some bold, adventurous adventurer on the  
River. If an attempt is made to stop  
him by the Authorities he resists, and  
if after a contest no smuggled goods  
are found the Chinese are compelled  
to make restitution, they being thus  
taught that flags must be respected and  
afterward all crafts, large, and small,  
defy the Custom House and pass it by.

Further, you are not probably  
aware that a "Notification" similar  
in purport to mine from which an  
appeal has been taken to you was  
issued by B. C. Murphy U. S. Consul at  
Shanghai, in 1854 by order of the  
U S Commissioner, which I believe  
was never pronounced illegal (as  
in your private letters to merchants  
and you have pronounced my notifica-  
-tion to be) a copy of which it will  
afford me pleasure to forward you

In conclusion I have the  
honor to state, that I differ from  
you so totally in your views as  
expressed in your letter of November  
10<sup>th</sup> 1860 that I shall appeal from



your decision to the President of  
the United States. Your letter of  
course I must furnish to those who  
desire to learn your views in relation  
to flying the flag, when they must  
use their own discretion whether  
they will do so or not.

Respectfully  
Your obedient servant

Sam. L. Morrison  
U. S. Consul  
Foo, Choo.

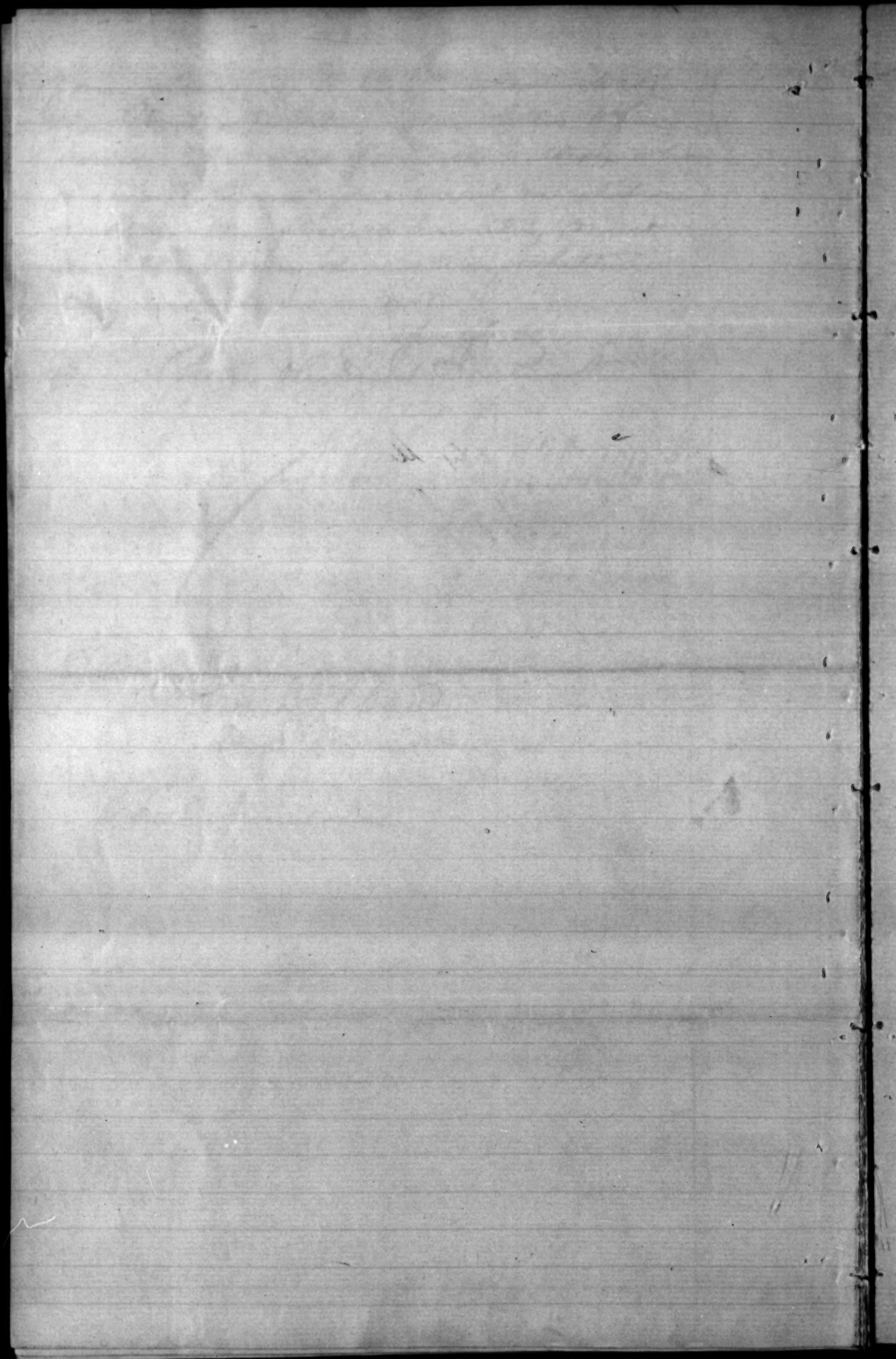
Hon. John C. Ward.  
U. S. Minister  
in China.  
- or his Representative.

Journal of the United States  
Geological Survey  
Washington, D. C.

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Copy.

Enclosure N<sup>o</sup> 2.

Legation of the United States  
Hong Kong  
December 3. 1880

Sir.

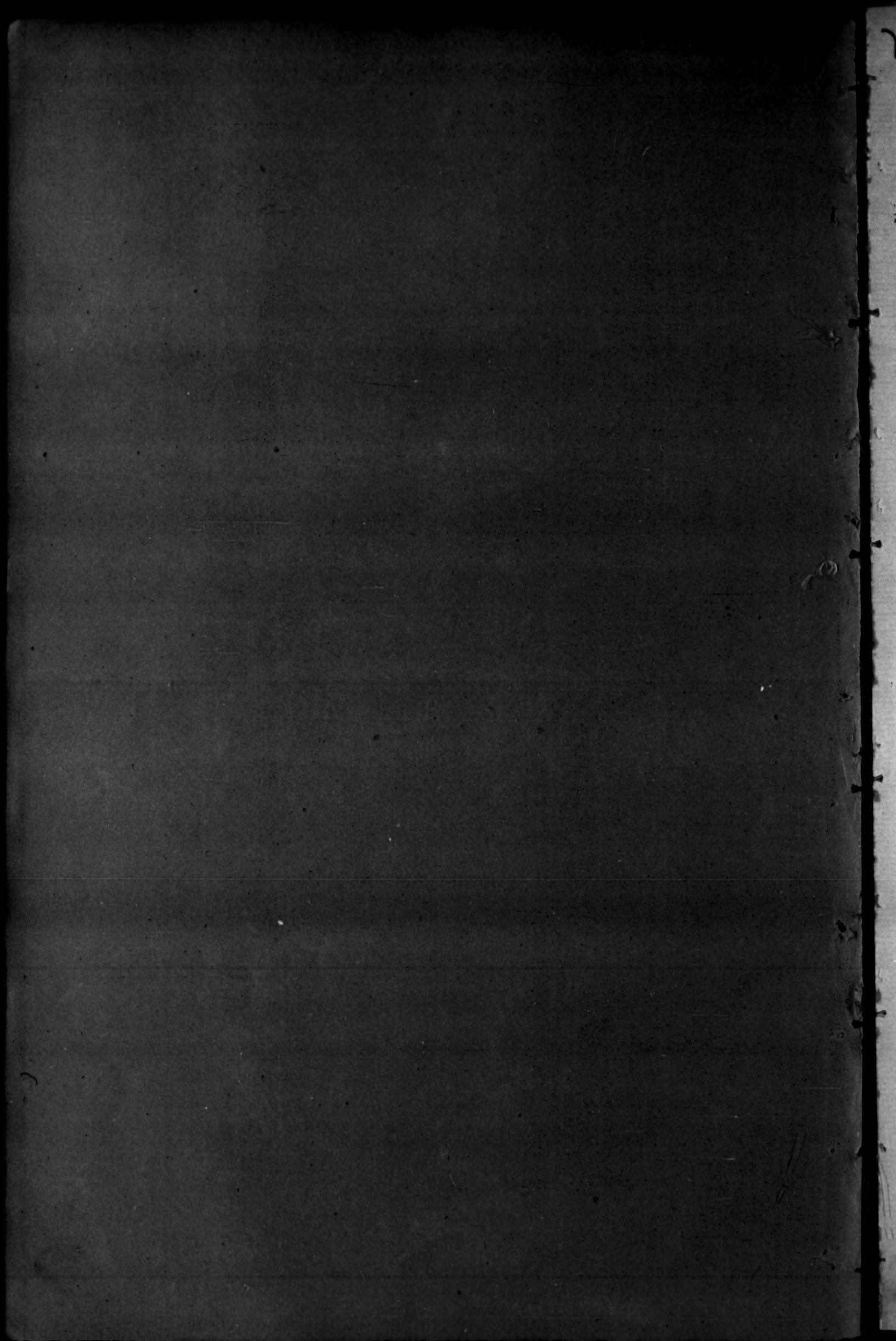
I have received your communication of the 23<sup>rd</sup> November. in relation to the right of American Citizens to fly the American flag on boats of which they are the owners. Of that right my decision remains unchanged.

The tenor of your letter forbids my noticing it further than to say that I shall submit it to the Department of State at Washington -

Your obedient servant  
(signed) John Edward

Samuel S. Gouverneur Esq  
U.S. Consul  
Foochow.





V  
Legation of the United States,  
Hongkong. December 10 1860,

Sir,

I have the honor to inform  
You that the objects for which I was  
appointed being now nearly accomplished,  
I beg leave respectfully to tender my  
resignation as Secretary of the Legation  
of the United States to China: - to take  
effect from the 1<sup>st</sup> day of January 1861.

In forwarding this, my  
resignation, I ask respectfully that You  
will express to the President of the  
United States my most grateful ac-  
knowledgements for the distinguished  
honor he has conferred upon me by  
the appointment.

I have the honor to be,

Sir,

Your most obedient  
humble servant,

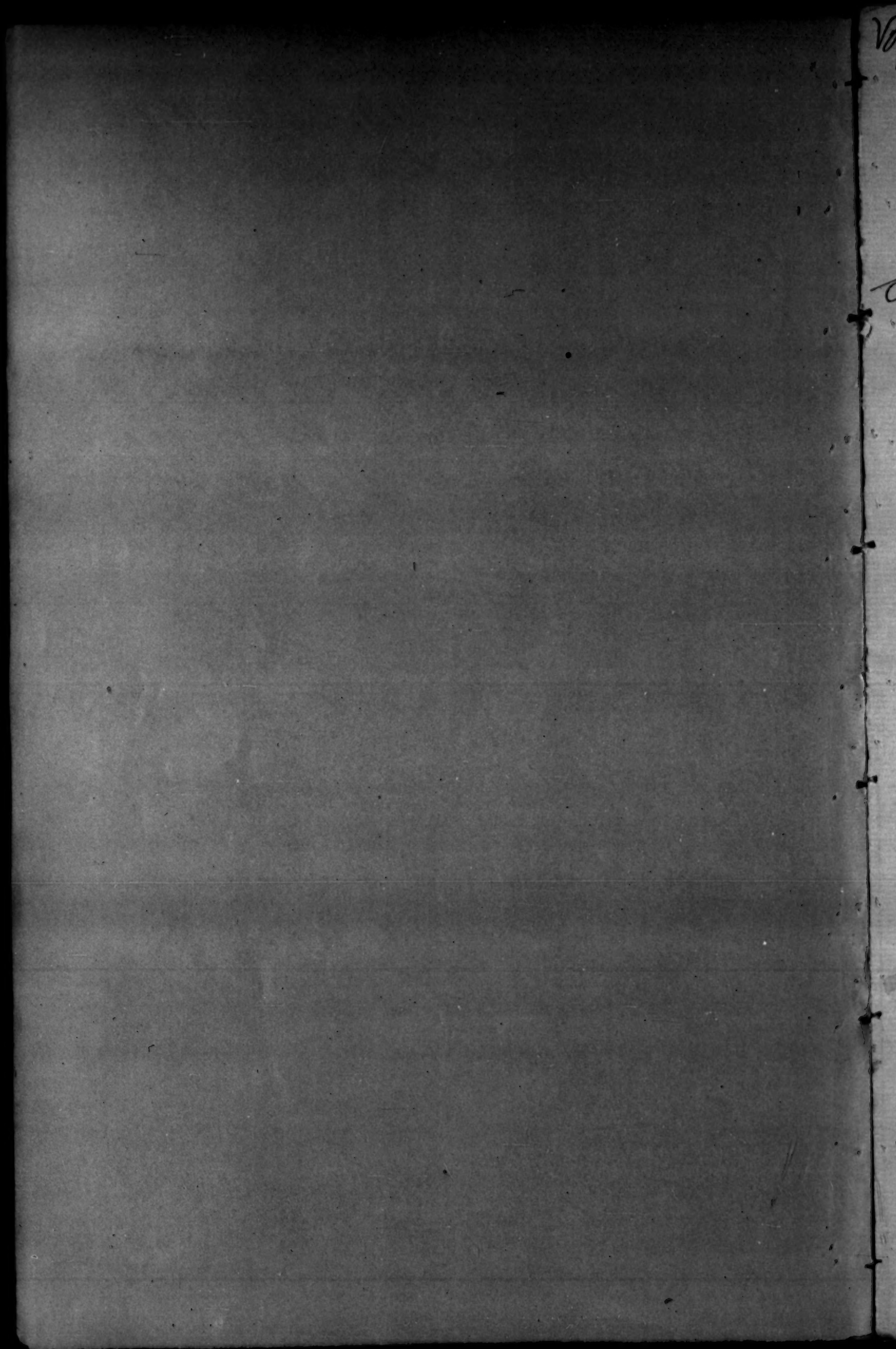
Geo. W. Hearns

To the  
Honorable Lewis Cass,  
Secretary of State,

cc. cc. cc.  
cc. cc. cc.

Washington, D.C.





Official X29

Per 12. Feb. W. Derrick  
Legation of the United States  
Hong Kong

December 14<sup>th</sup> 1860

Sir,

I have the honor herewith  
to enclose the resignation of Mr.  
George W. Heard Sr. Secretary of  
this Legation, to take effect on the  
1<sup>st</sup> day of January next.

I have great pleasure in  
stating that Mr. Heard has at  
all times performed his duties  
in a manner entirely satisfactory  
to me, and his services have  
been of great value to the Government.

I have the honor to be

Sir

Very respectfully

Your obedient servant

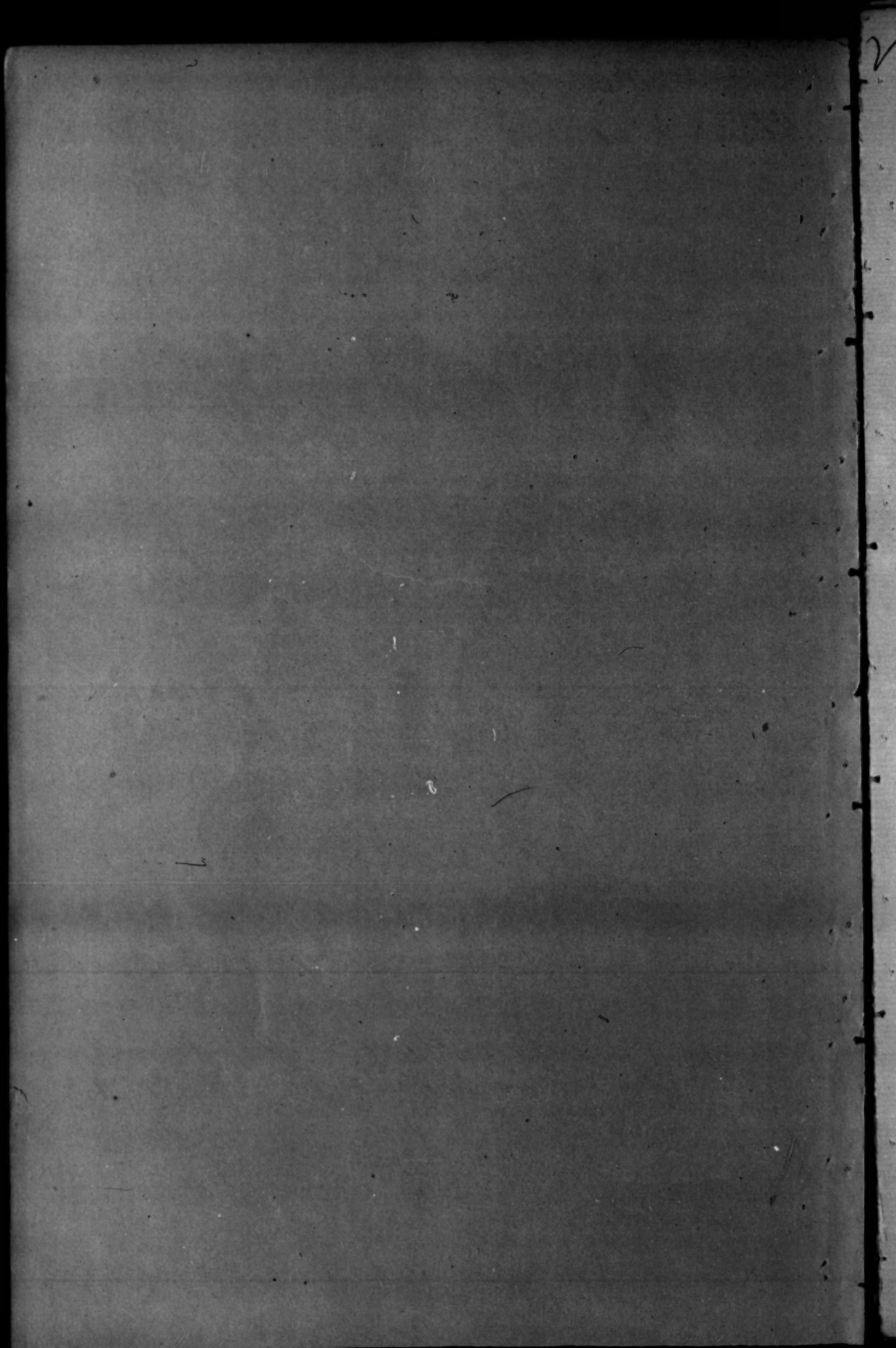
John S. Ward

Hon<sup>ble</sup> Lewis Cass.

Secretary of State,

Washington Dc





V. Recd 12. Feb. Mr Derrick  
Official No 30.

Legation of the United States  
Hong Kong

December 14. 1860

Sir,

I have the honor herewith to forward you a schedule of the items of the outlay, on account of Extraordinary expenses arising from the performance of duties assigned me by your order. As these outlays all come under the head of Extraordinary expenses, in conformity with my instructions dated January 22<sup>nd</sup> 1859. I have drawn for them from the Special Contingent fund of (\$10,000) Ten thousand dollars placed at my disposal, in two different Bills, drawn June 28<sup>th</sup> and Sept. 30. 1860 amounting in all to £400. four hundred pounds sterling, for which I

North Lewis Cass

Secretary of State.

to to

Washington,



I have received \$1617.88. One thousand  
Six hundred and Seventeen dollars  
and <sup>88</sup>/<sub>100</sub>, as per annexed account with  
its certificates of the rate of exchange

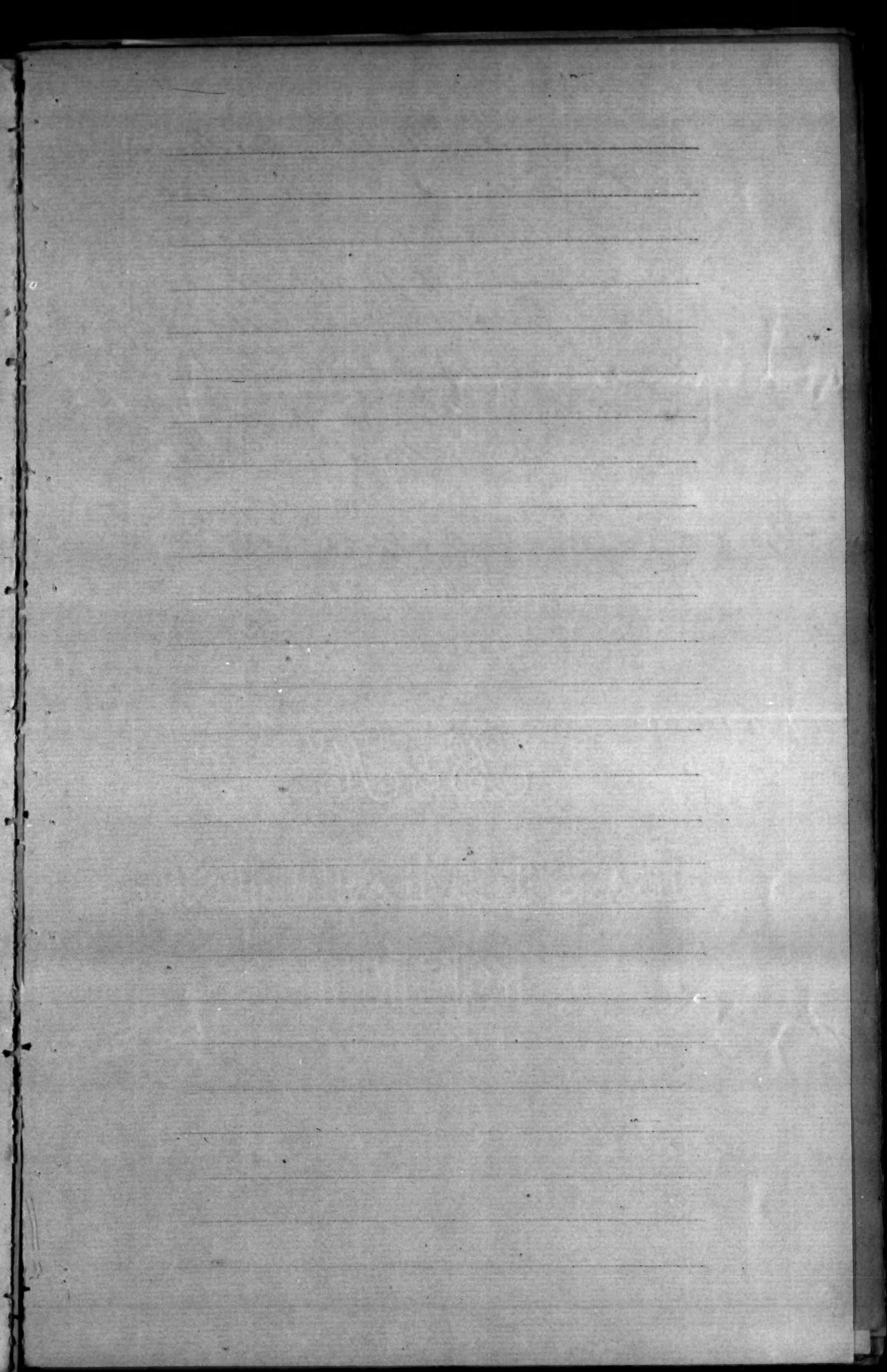
The outlays are certified by  
vouchers except the items which  
I have disbursed myself

I have the honor to be  
Sir

Very respectfully

Your obedient servant

John. E. Ward





V

✓ Official N<sup>o</sup> 31. - Recd 12. Feb. Mr Leach

Legation of the United States  
Hong Kong

December 14<sup>th</sup> 1860

Sir,

I have the honor to forward  
herewith the Account for Contingent  
Expenses incurred by this Legation  
for the year 1860. including the  
Expense for postage paid in London  
by the Despatch Agent for the four  
quarters ending September 30. 1860.  
To the balance of the account, for  
payments made in China, I have  
drawn upon Messrs. Baring Brothers & Co.  
in favor of Messrs. Augustine Heard & Co.  
as per their annexed Certificate.

I have the honor to be Sir  
Very respectfully.

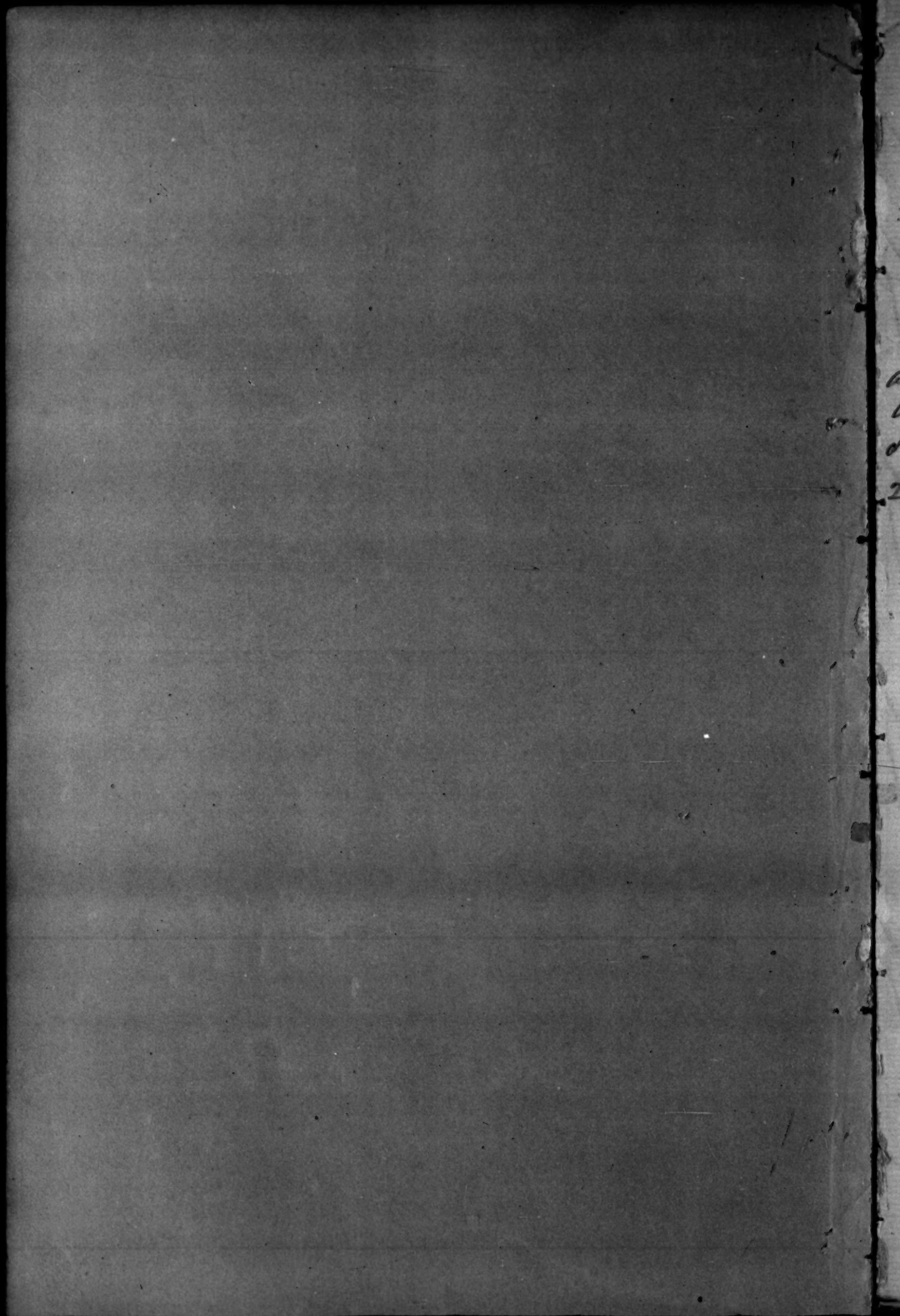
Your obedient servant  
John. Edward

Hon<sup>ble</sup> Lewis Cass

Secretary of State  
+c +c

Washington D.C.





V

Recd 12. Feb. Mr. Derrick

Official No 32

Legation of the United States  
Hong Kong

December 14 1860

Sir,

Proclamation I have the honor herewith  
and Treaty ~~that~~ to enclose the Proclamation of the  
to the Clerk of Earl Elgin and Kinnear, our  
Statistics, pronouncing the Convention for the  
27<sup>th</sup> Jan 1862.  
Re-establishment of peace  
between Great Britain and China.  
" The "difficulty between England and  
" France on the one side & China  
" on the other having now been  
" adjusted, and the public interests  
" not being likely to suffer by my  
" absence." I shall avail myself  
of the leave of absence granted  
by the President in Despatch  
No. 16, dated May 8<sup>th</sup> 1860

And

Ha Seins Lass  
Secretary of State  
&c &c  
Washington



and will leave China in the  
'Niagara' for Aden on my way  
to Europe on the 15<sup>th</sup> inst.

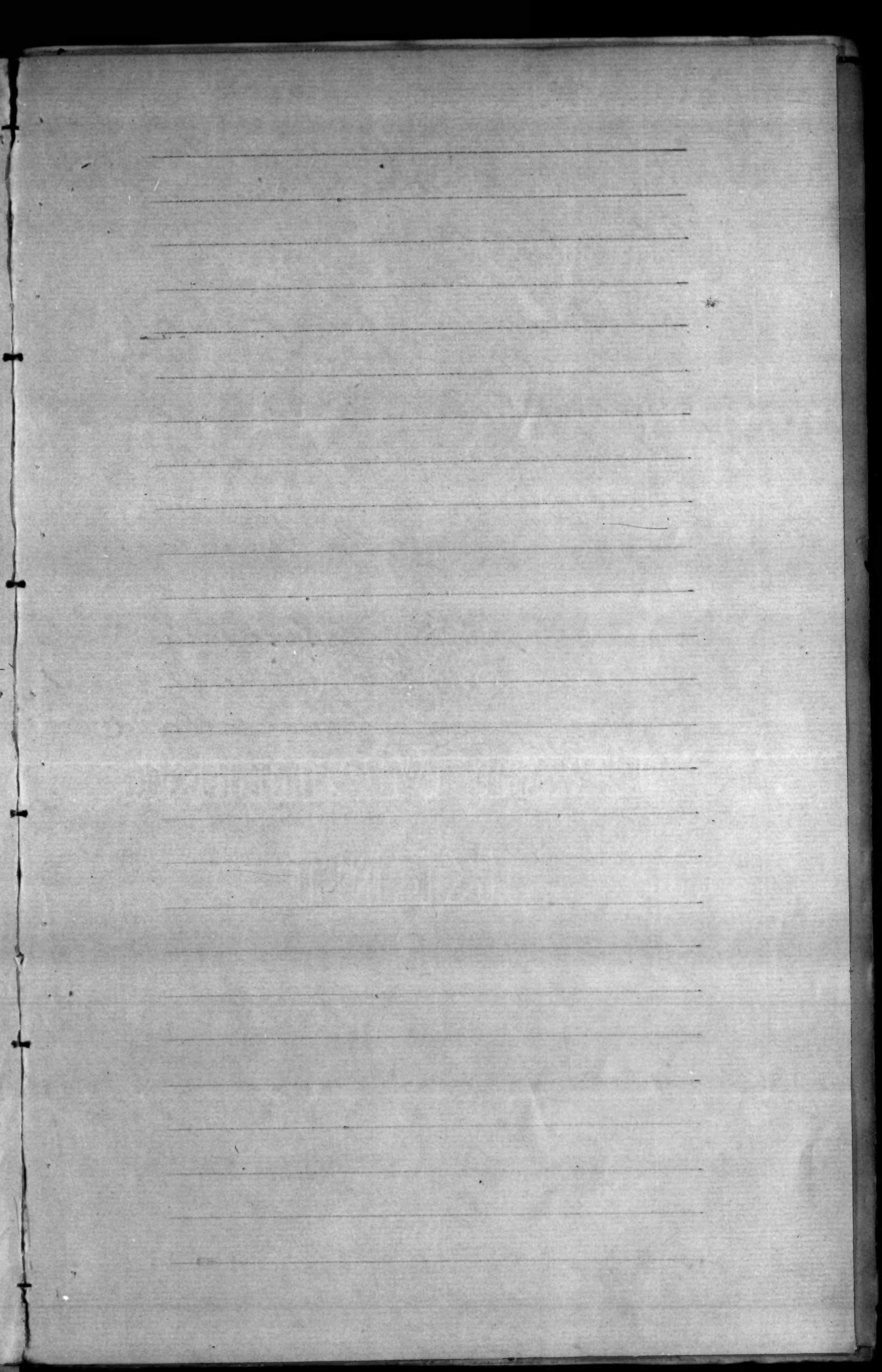
The Books & Archives of  
the Mission have been placed  
in the charge of Commodore  
Stirling, who will transact  
all necessary business of the  
Mission.

I have the honor to be  
Sir

Very respectfully

Yours obedient servant,

John. C. Ward







Via Marseille

Per H. March Mr. Derrick  
Legation of the United States  
Hong Kong December 31. 1860

The Honble Lewis Cass  
Secretary of State  
Washington

Sir

I have the honor to advise you that I have this day drawn on Messrs Baring Brothers & Co. my Bill for £619. 16. 8. six hundred & nineteen pounds 16/8 stg for salary for quarter ending this day, being at the rate fixed by the State Department of \$4.84  $\frac{52}{100}$  £ stg.

The rate of exchange on this day was four shillings & eight pence  $\frac{4}{8}$  £ dollar as per annexed certificate. For the loss by exchange which amounts to \$343.  $\frac{52}{100}$  Three hundred & forty three dollars  $\frac{52}{100}$ , I have drawn on the Department @ (30 ds), thirty days sight, in favor of Messrs Augustine Heard & Co. my Bill for \$413.  $\frac{94}{100}$  Four hundred & thirteen dollars  $\frac{94}{100}$  which includes the loss by exchange on Washington, now at Seventeen per cent discount; to which please give due honor.

I have the honor to be

Sir

Very respectfully

Your obedient servant

John E Ward



Hong Kong December 31 1860

We the undersigned do hereby certify that we have this day purchased from His Excellency John E. Ward, Envoy Extraordinary & Minister Plenipotentiary of the United States to China, his draft dated this day, for the sum of Four hundred and thirteen dollars  $\$413.94$ , and have paid him therefore the sum of Three hundred and forty three dollars  $\$343.57$ , which is the actual loss on a Bill of Exchange on London of (£ 619. 16. 8.) Six hundred & nineteen pounds  $148$  sterling, at the present rate of Four shillings and eight pence ( $4\frac{1}{2}$ ) per Mexican dollar in this place (reckoning the pound at  $\$4.84$  / four dollars  $\frac{80}{100}$ ) that being the net proceeds of said draft, after deducting the present rate of Exchange between this place & New York, at this date, of Seventeen cents on the dollar upon its face, as set forth in the following statement:

Date	Am't. of dft. in U.S. currency	Rate of Exchange	Cost of negotiation	net Proceeds	upon whom & on what account drawn
December 31 1860	$\$413.94$	177.	$\$70.37$	$\$343.57$	on Secretary of State for loss by Exchange on London for £ 619. 16. 8.

Augustine Heard

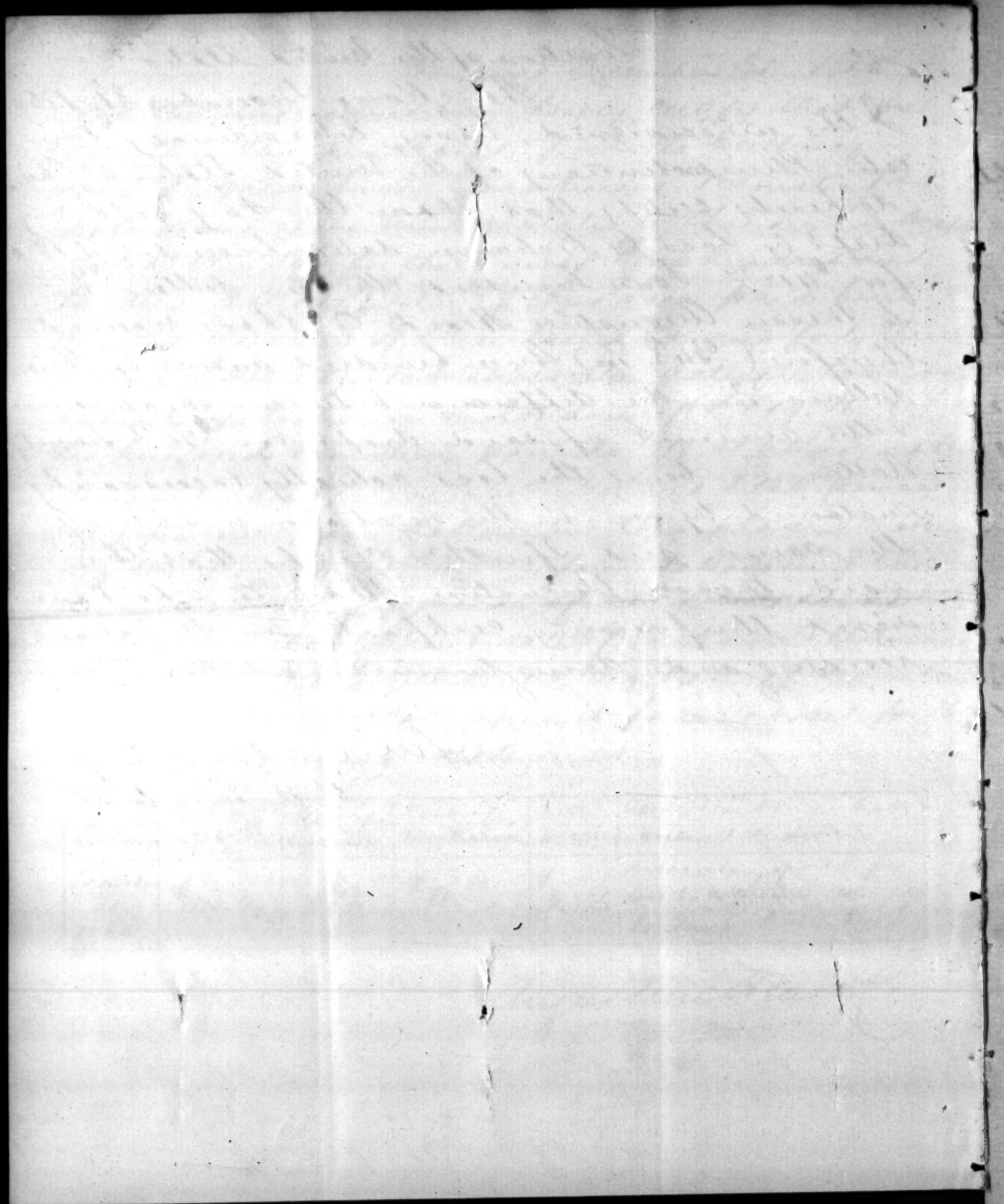
Legation of the United States

Hong Kong December 31. 1860

I, the undersigned, Envoy Extraordinary & Minister Plenipotentiary of the United States to China do hereby certify that I have this day sold my draft by Loss by Exchange dated December 31 1860 for \$413<sup>94</sup> Four hundred & thirteen dollars <sup>94</sup>/<sub>100</sub> to Messrs. Augustine Heard & Co. & have received therefore (~~\$343.~~ <sup>\$343.</sup> <sup>57</sup>/<sub>100</sub>) Three hundred and forty three dollars <sup>57</sup>/<sub>100</sub>, the difference between which sum & the amount of said draft viz. \$70<sup>32</sup> Seventy dollars <sup>32</sup>/<sub>100</sub>, being the loss actually & necessarily sustained by me, in the negotiation or sale of the same, and I further certify that the said Messrs. Augustine Heard & Co. who have signed the foregoing certificate are Merchants residing and doing business at Hong Kong.

John E. Ward





Via Marseilles.

Recd 15. Mar. Mr. Gubbins

Legation of the United States  
Hong Kong

December 31. 1880

The Honorable Lewis Cass  
Secretary of State

to to  
Washington -

Sir

I have the honor to advise you that I have this day drawn on Messrs. Baring Brothers & Co. my Bill for £152.. 19.. 2.. - One hundred and fifty four pounds 19/2 stg. for salary for quarter ending this day, being at the rate fixed by the State Department of \$4. <sup>84</sup>/<sub>100</sub> per pound sterling.

The rate of exchange on this day was "4/8" four shillings and eight pence pr. dollar as per annexed certificate. For the loss by exchange which amounts to \$5. <sup>52</sup>/<sub>100</sub> eighty five dollars <sup>82</sup>/<sub>100</sub>, I have drawn on the Department at (30 d/100) thirty days sight in favor of Messrs. Augustine Heard & Co. my Bill for (\$103. <sup>48</sup>/<sub>100</sub>) One hundred and three dollars <sup>48</sup>/<sub>100</sub>, which includes the loss by exchange on Washington, now at (17 1/2%) seven and one half per cent. discount, to which please give due honor -

I have the honor to be

Sir

Very respectfully  
Your most obedient servant

Geo. W. Heard Jr.

Secy Am. Legation -



We the undersigned do hereby certify that we have this day purchased from Geo. W. Heard Jr. Secretary of the Legation of the United States to China his draft dated this day for the sum of (\$103.<sup>48</sup>/<sub>100</sub>) One hundred and three dollars and <sup>48</sup>/<sub>100</sub>, and have paid him therefor the sum of (\$85.<sup>89</sup>/<sub>100</sub>) Eighty five dollars and <sup>89</sup>/<sub>100</sub>, which is the actual loss on a Bill of Exchange on London of £154. 19. 2 One hundred and fifty four pounds 19/2. 59 at the present rate of (4/8) four shillings and eight pence per Mexican dollar in this place, reckoning the ~~dollars~~ <sup>pounds</sup> at \$44. 84. 1 four dollars and <sup>84</sup>/<sub>100</sub>, that being the nett proceeds of said draft after deducting the present rate of exchange between this place and New York, at this date of Seventeen cents on the dollar, upon its face, as set forth in the following Statement: -

Date	Am't. of dft in U.S. currency	Rate of Exchange	Cost of negotiation	nett proceeds	Upon whom & on what account drawn.
Decr 31 1860	\$103.48	17%	\$17.59	\$85.89	On Secretary of State for loss by Exchange on London for £154. 19. 2. —

Hong Kong, December 31. 1860.

Augustine Heard Jr.

Legation of the United States  
Hong Kong

December 31. 1860

I the undersigned Secretary of the Legation of the United States to China do hereby certify that I have this day sold my draft for Local Exchange, dated December 31. 1860 for  $\$103. \frac{48}{100}$  One hundred and three dollars  $\frac{48}{100}$  to Messrs Augustine Heard & Co. I have received therefore  $\$85. \frac{89}{100}$  Eighty five dollars  $\frac{89}{100}$  which sum and the amount of said draft viz  $\$17. \frac{59}{100}$  Seventeen dollars  $\frac{59}{100}$  being the loss actually & necessarily sustained by me, in the negotiation or sale of the same and I further certify that the said Messrs Augustine Heard & Co. who have signed the foregoing certificate are merchants residing and doing business in Hong Kong.

Geo. W. Heard Secy.





✓  
No 1 Recd. Mar. Mr Gerrish

Legation of the United States  
U. S. Flag Ship, Hartford  
Hong Kong December 25<sup>th</sup> 1860

Sir

I have the honor to  
enclose herewith a copy of  
a letter from Mr. Gouverneur  
Lonsul at Foo-chow, addressed  
to Mr. Ward; I forward it at the  
request of Mr. Gouverneur.

The subject of this letter  
having been previously discussed  
of by Mr. Ward, it is not proper  
that I should reopen it, and  
in answering Mr. Gouverneur's  
communications have refrained  
from doing so.

I trust that some person  
will be speedily sent here to  
relieve me from the duties im-  
posed upon me in the absence  
of the Minister by your author-  
-ity.

Honorable

Lewis Cass

Secretary of State

Washington



Upon being relieved from  
the command of the Squad-  
ron, if not before, may I  
beg you to authorize some-  
one to receive the archives  
of the Legation, and to trans-  
act the current business.

I am

Respectfully  
Your Obedt. Servt.

C. R. Whitting

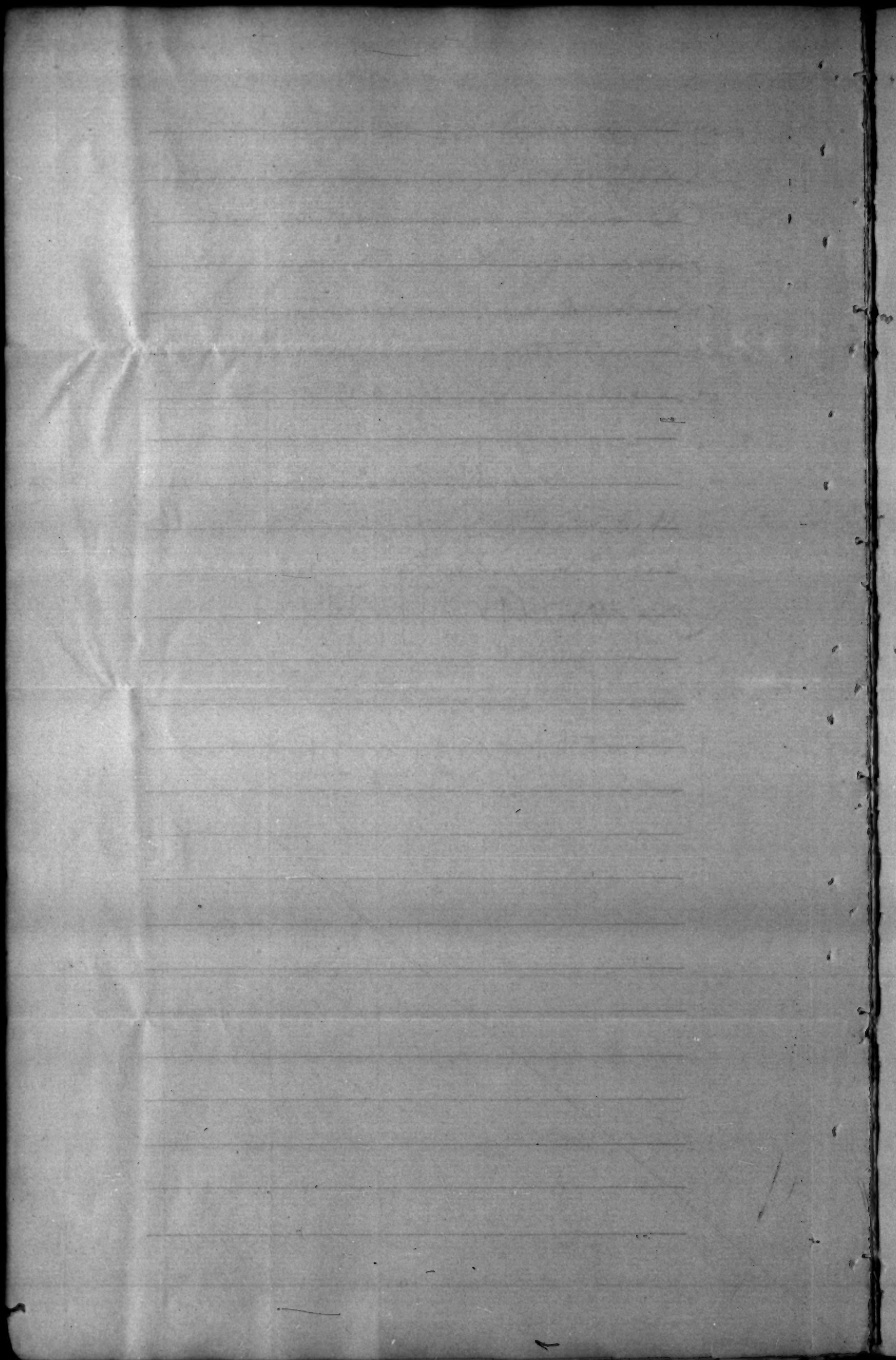
Flag Officer

Chargé d'affaires

ad interim







Copy

Consulate of the U. States of America  
Foo-chow Dec 15<sup>th</sup> 1860

Sir

I have the honor to acknowledge the receipt of your letter of the 3<sup>rd</sup> inst. in which you use the expression "of the right" of American citizens to fly the American flag "on boards of which they are the owners" my decision remains unchanged.

I deeply regret that you should maintain that decision, for already since the receipt of your letter of Nov<sup>r</sup> 10<sup>th</sup> I have been addressed officially, asking what vessel shall fly the flag. I could only reply that under your decision. I could not say, and had no power to act.

I am led to believe that in Shanghai your "decision" must have been the same, for I find in the



Hong Kong daily press of Nov-28  
1860, a letter from Mr. J. J. Roberts  
a Missionary, dated October 8<sup>th</sup> 1860 from  
Saw Tung, near Shanghai now in  
possession of the rebels the following—  
"The flowery flag (U. S. Flag) is quite"  
"popular up this way. most of the Vessels"  
"trading with the Revolutionists of"  
"whatever nation they may be carry it"  
"an evidence of its popularity—"

You undoubtedly are aware as  
well as I, what trading with the  
Revolutionists means. Selling arms  
and ammunition, and our flag is  
thus used, when we as a nation are  
at peace with China, with the Govern-  
ment of which you ratified a  
Treaty—

Permit me at this time to call

your attention to one other matter which has not yet been brought to light in our correspondence. You are undoubtedly aware that some variety of boats carrying flags, seldom have when on the river an American or foreigner on board, but are manned and commanded by Chinese. Is the right to fly the flag in such a case attached to the boat, as being the property of an American, or does the owner have the right only to fly the flag when he is on board of her?

I should be pleased to learn your views on all the points I have had the honor to submit for your consideration. Issues are arising daily, and in the present unsettled state of affairs at this port, large



interests are involved in a clear  
understanding of this subject.

In relation to submitting my last  
communication to the Dept. of State  
at Washington. I have the honor to  
request that you will at the same time  
submit this.

With sentiments of high  
consideration and respect.

I am Sir

Your Obedt. Servant

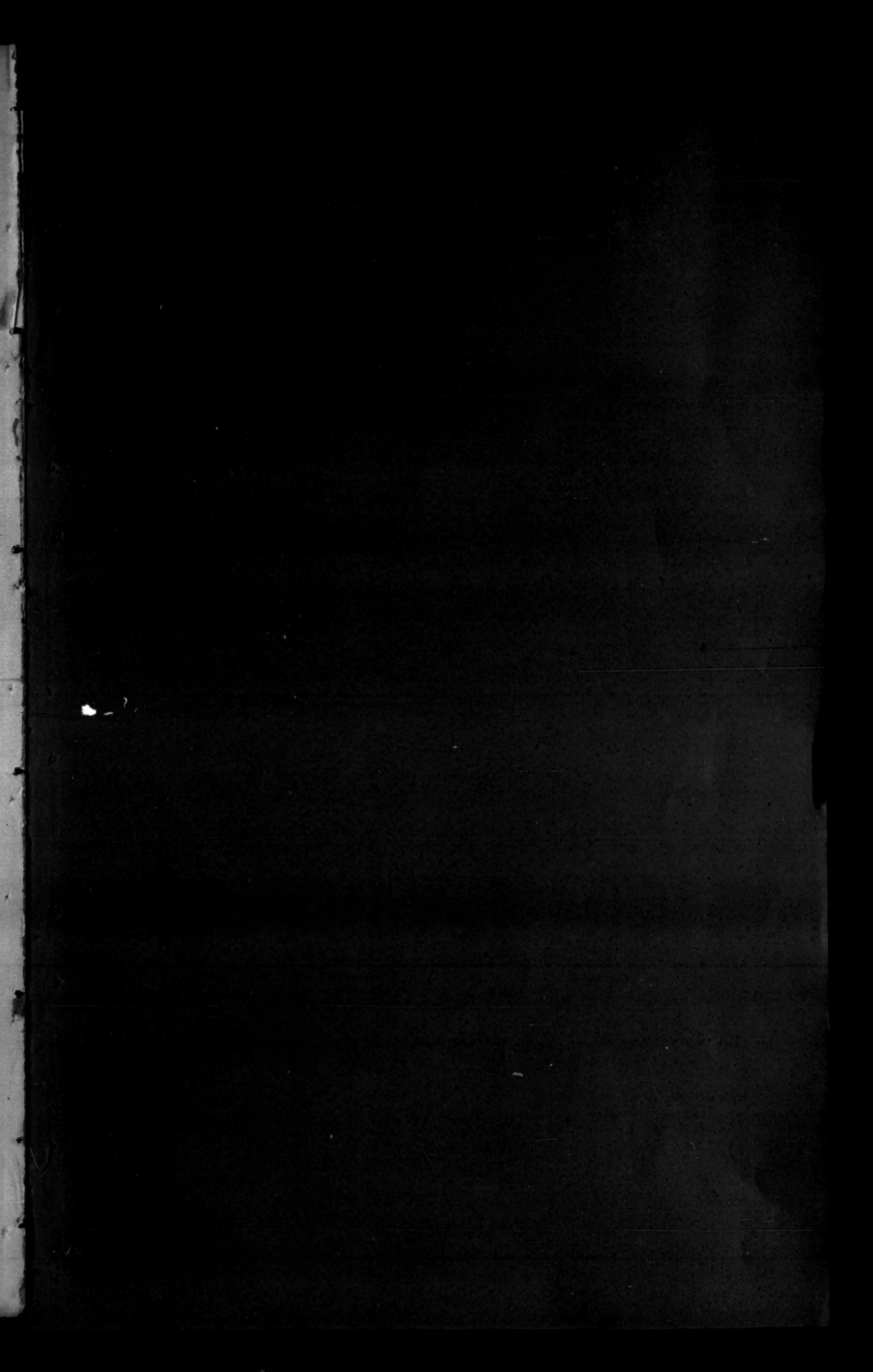
(Signed) Saml. L. Gouverneur

W. I. Consul

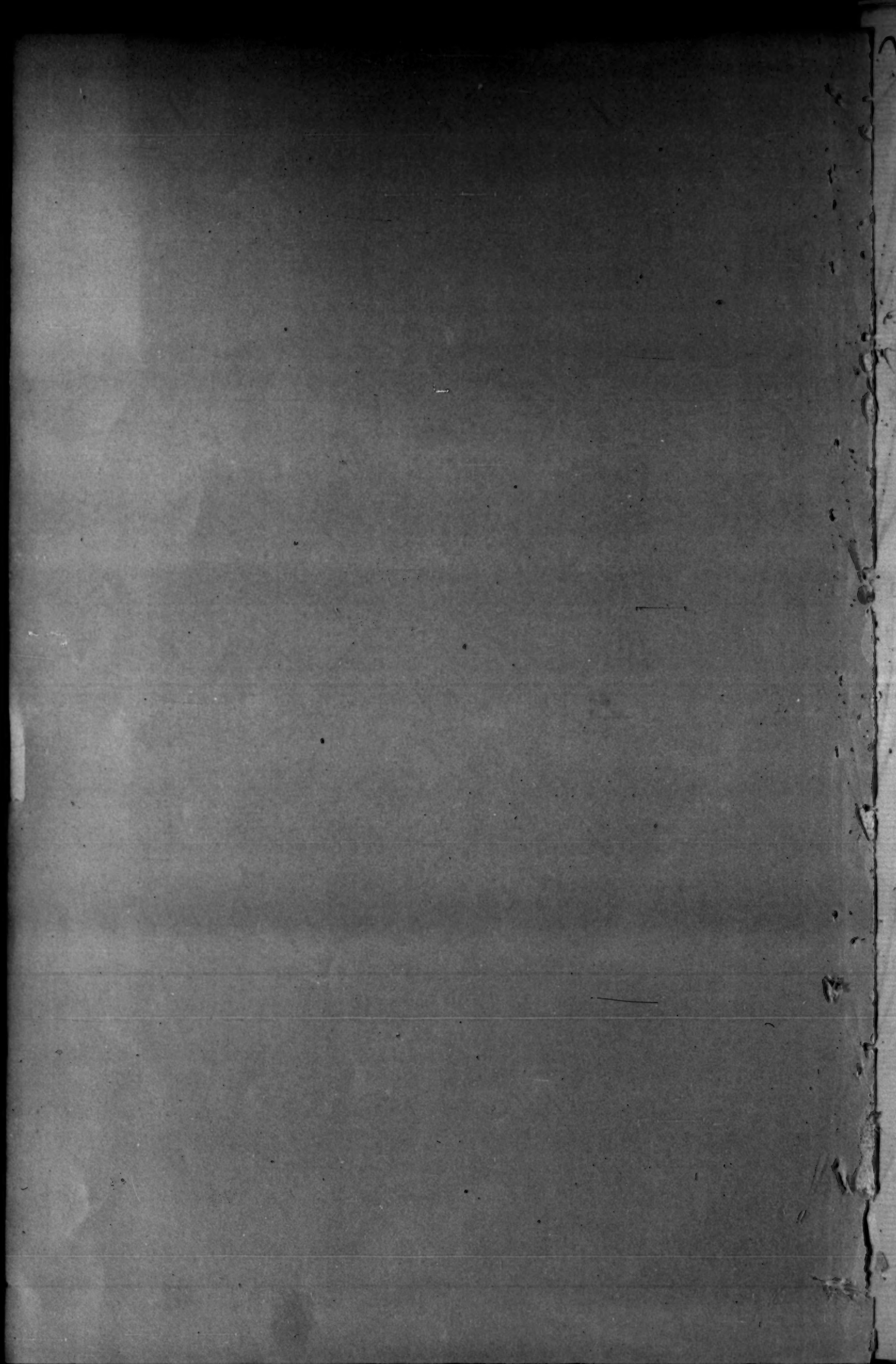
Hon

John C. Ward

Minister Plenipotentiary & Extraordinary  
of the United States of America in  
China.







N. No 2

Enter under head of Amoy

Legation of the United States

U. S. Flag Ship Hartford

Hong Kong January 30<sup>th</sup> 1861

Sir.

I have the honor  
to enclose herewith a  
copy of a letter from Mr  
Hyatt, U. S. Consul at Amoy,  
with enclosures marked **A** & **B**.  
**A** is a statement of suits  
brought and tried, during the  
year ending December 31<sup>st</sup> 1860,  
and **B** is a statement of the  
receipts and disbursements  
of the U. S. Consular Court  
for the year ending Dec-  
ember 31<sup>st</sup> 1860.

Respectfully

Hon<sup>ble</sup>

Your Obedt. Servt

Lewis Cass.

C. E. Stirling

Sec<sup>y</sup> of State

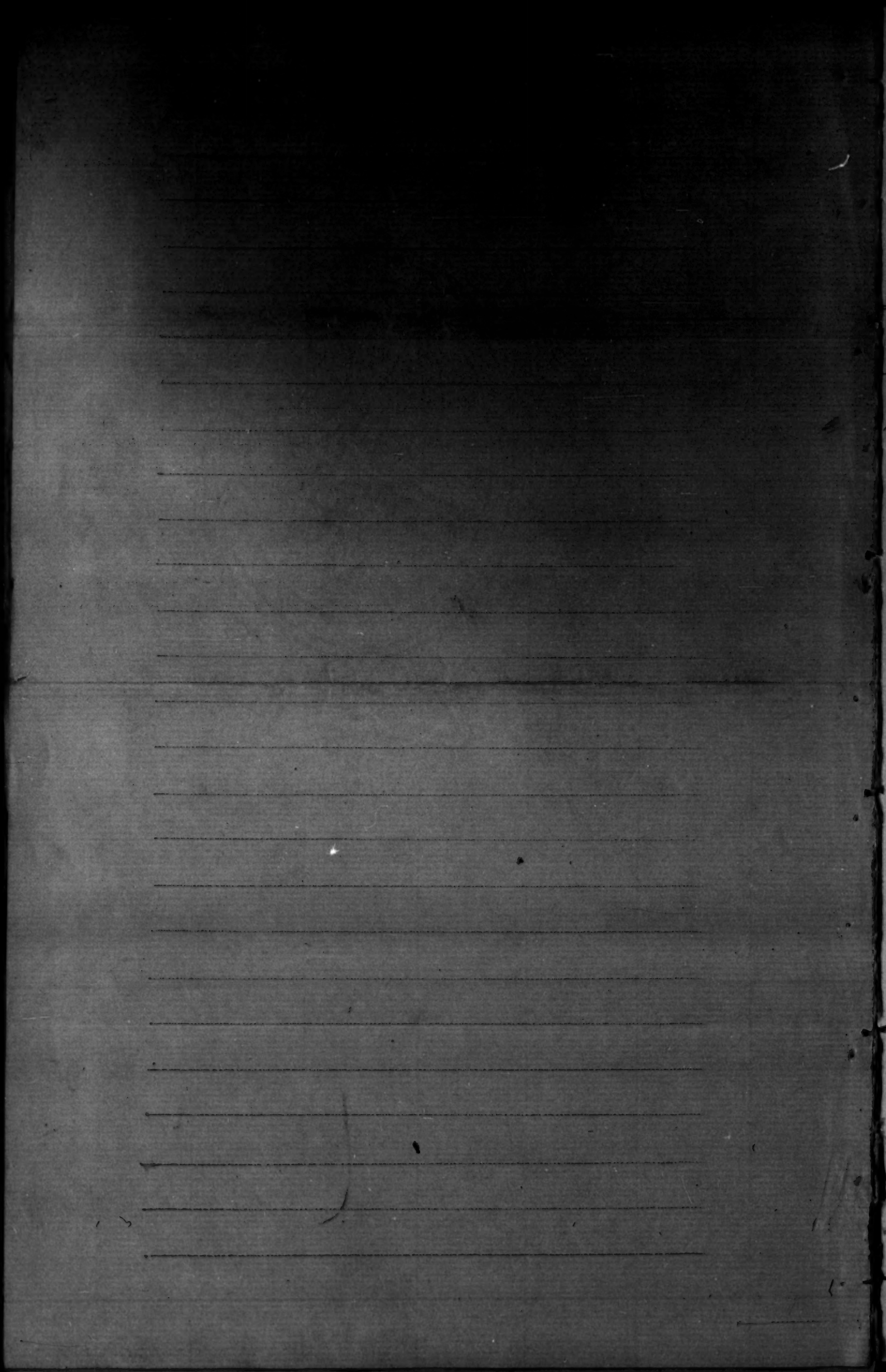
Flag Officer

Washington

Chargé de Affaires

ad interim





Enclosure A. with despatch of Aug 30 1861. n<sup>o</sup> 2

United States Consular Court, Amoy.

Statement of suits brought and tried, during the year ending Dec. 31, 1860.

1	Mar. 26	U.S. vs. Thaddeus Clark	Drum Kennel, disorderly conduct, assault and battery and a agrancy.	3 1/2 days imprisonment and fined \$16.	\$ 2.00	\$ 5.00
2	Aug. 8	U.S. vs. J. N. Lambert	Robbery, assault and battery.	\$5 fine for assault.	5.40	6.70
3	Aug. 14	U.S. vs. Wm. Burns	Assault & battery, disorderly & mutinous conduct.	6 days imprisonment and \$20 fine.	9.00	11.00
4	Sept. 3	U.S. vs. J. N. Lambert	Assault and battery with deadly weapon.	Fined \$21; imprisoned 2 days.	4.75	6.25
5	Dec. 15	U.S. vs. P. Johnson & J. Jackson	Riot, mutiny, assault and battery.	Fined \$30 and imprisoned each.	16.90	24.10
6	Dec. 28	U.S. vs. Jas. Kelly	Stabbing & killing Peter Court.	Imprisoned 3 years and fined \$50 fine (\$40 collected).	27.80	24.35
					65.85	\$ 80.40

A true transcript from the records.

J. H. Hyatt

U.S. Consul.



Enclosure B. with despatch

The U. S. Consular Court in acct. w

Receipts and Disbursements of the U. S. Consular

Dr.

1860

1860				
March 28	To paid marshal's fees, case of U.S. vs. J. Clark,	\$		
	charge of assault & battery, drunkenness, etc.		5	00
" "	" Paid clerk's fees in same case.		2	00
" "	" " Officer's fees " " "		1	00
" 31	" " Paid Keeping of J. Clark, 6 days.	.50	3	00
June 30	" Balance on hand this date.		28	31
		\$	39	31

Dr.

From July 1st to

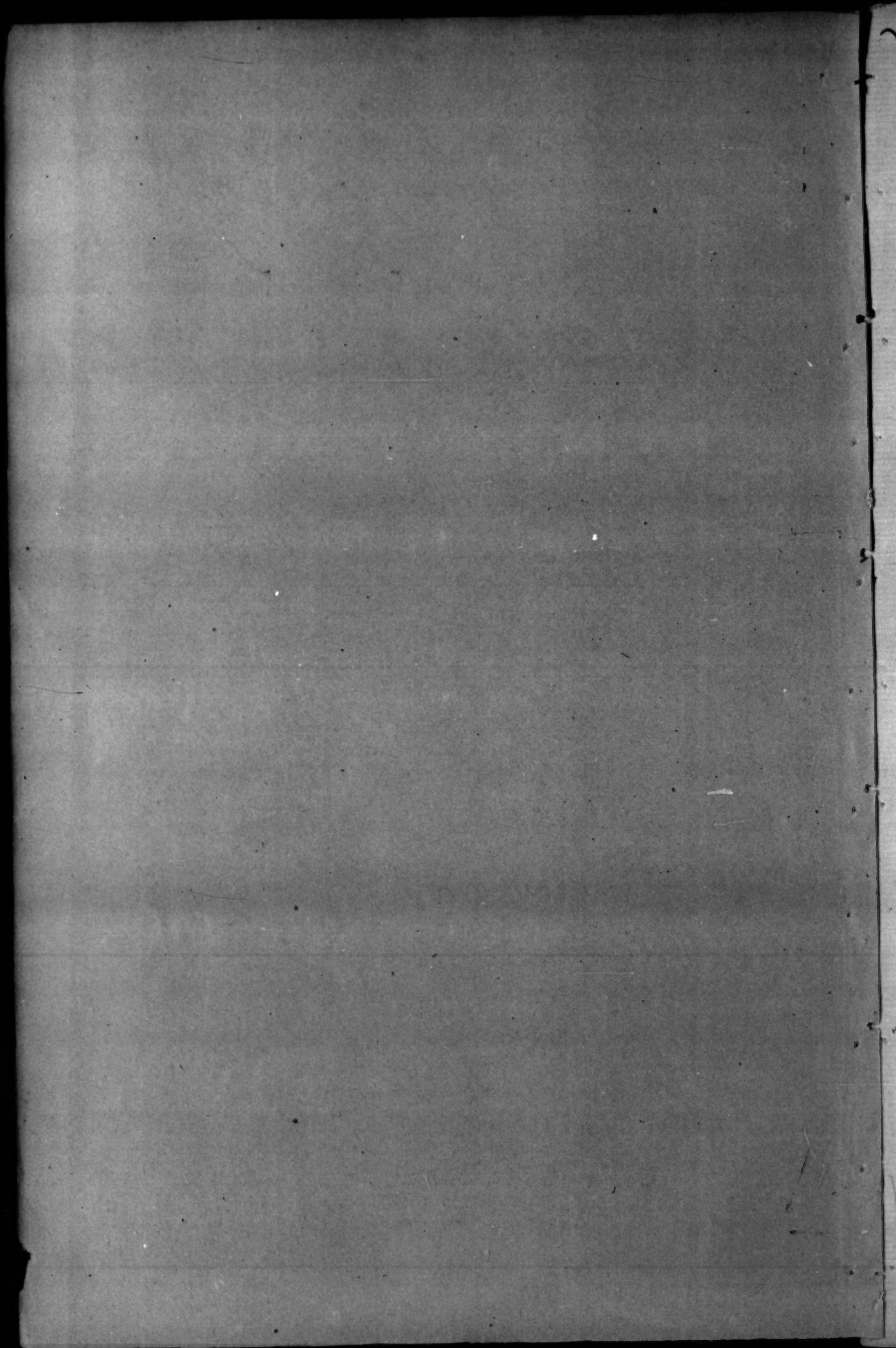
1860.

Aug. 10.	To paid marshals fees, U.S. vs. J. K. Lambert, chg. of robbery etc.	\$	6	40
" "	" " Clerk's fees, in same case		5	40
" 15	" " Clerk's fees, U.S. vs. W. Burns, chg. assault & battery, etc.		9	00
" 20	" " Marshals fees, same case.		11	00
" "	" " Prison keeping of said Burns, 6 days.	.50	3	00
Sept. 3	" " Clerk's fees, U.S. vs. J. K. Lambert, chg. assault & battery etc.		4	75
" "	" " Marshals fees in same case.		6	25
Nov. 15	" " For 2 muskets & 2 cutlasses, powder & balls for consular prison guard.		14	00
July 1-Dec. 31	" " Six chains & padlocks #8, six bamboo canes for prisoners #3, stool, necessary emmonee-fado #27		14	27
Dec. 31	" " Keeping T. Johnson & J. Townsend to Dec. 31, 16 days.	.50	16	00
" "	" " Jas. Kelly, to Dec. 31, 3 days.	.50	1	50
" "	" " Marshals fees, U.S. vs. T. Johnson & J. Townsend, chg. mutiny & assault & battery.		27	10
" "	" " Clerk's fees in same case.		16	90
" "	" " Marshals fees, U.S. vs. Jas. Kelly, (man laughted)		24	35
" "	" " Clerk's fees in same case.		24	80
" "	" " Assessors fees " " "		12	00
" "	" " Witnesses fees " " " & for bringing prison from Chien Chow.		30	00
" "	" " Chinese prison keeper & 4 guards #3, \$7 per mo. July 1 to Dec. 31		42	00
" "	" " Rent of prison from July 1 to Dec. 31, 1866,		500	00
		\$	575	02

with J. H. Hyatt, U. S. Consul, Amoy.  
 at the District Court, Amoy, from Jan. 1st to June 30th, 1860.

1860.	Jan. 1	By balance on hand.	\$ 23 31
	April 28	" Fine of Thaddeus Clark	16 00
			\$ 39 31
to Dec. 31st, 1860.			Cr.
1860	July 1	By balance on hand.	\$ 28 31
	" "	" Amt. recd. from Capt. C. P. Hewitt, of ship Isonium, as part of the fine of A. Bass, in case of U.S. vs. Antonio Bass, which on release of said Bass, from imprisonment, Capt Hewitt obligated himself to pay. [As per consular court record of date July 30, 1859.]	100 00
	Aug. 10	" Fine of J. M. Lambert, U.S. vs., chg. robbery & assault & battery (for cat.)	5 00
	" 15	" " " Wm. Burns, U.S. vs., chg. assault & battery, & mutiny & conduct	20 00
	Sept. 3	" " " J. M. Lambert, U.S. vs., chg. assault with deadly weapon, & machine	11 00
	Dec. 21	" " " Peter Johnson, U.S. vs., chg. mutiny & assault & battery	30 00
	" "	" " " John Townsend, same case.	30 00
	" "	" " " Jacob Resch, same case.	15 00
	" 29	" " " Jas. Kelly, U.S. vs., charge of manslaughter.	40 71
	" 31	" Balance due this date.	295 00
			\$ 575 02





V. No. 3. Recd C. A. P. McDermick

Legation of the United States  
U. S. Flag Ship, Hartford  
Hong Kong January 30<sup>th</sup> 1861

Sir.

I have the honor to  
enclose herewith a return  
of the suits in the Consular  
Court at Shanghai, for six  
months, from July 1<sup>st</sup> to  
December 31<sup>st</sup> 1860.

By the 17<sup>th</sup> Section of  
the act of Congress, approved  
June 22<sup>d</sup> 1860, it is made the  
duty of both Minister and  
Consul, to transmit annually  
to the Secretary of State an  
account of both receipts  
and expenditures of the  
Consular

Honorable

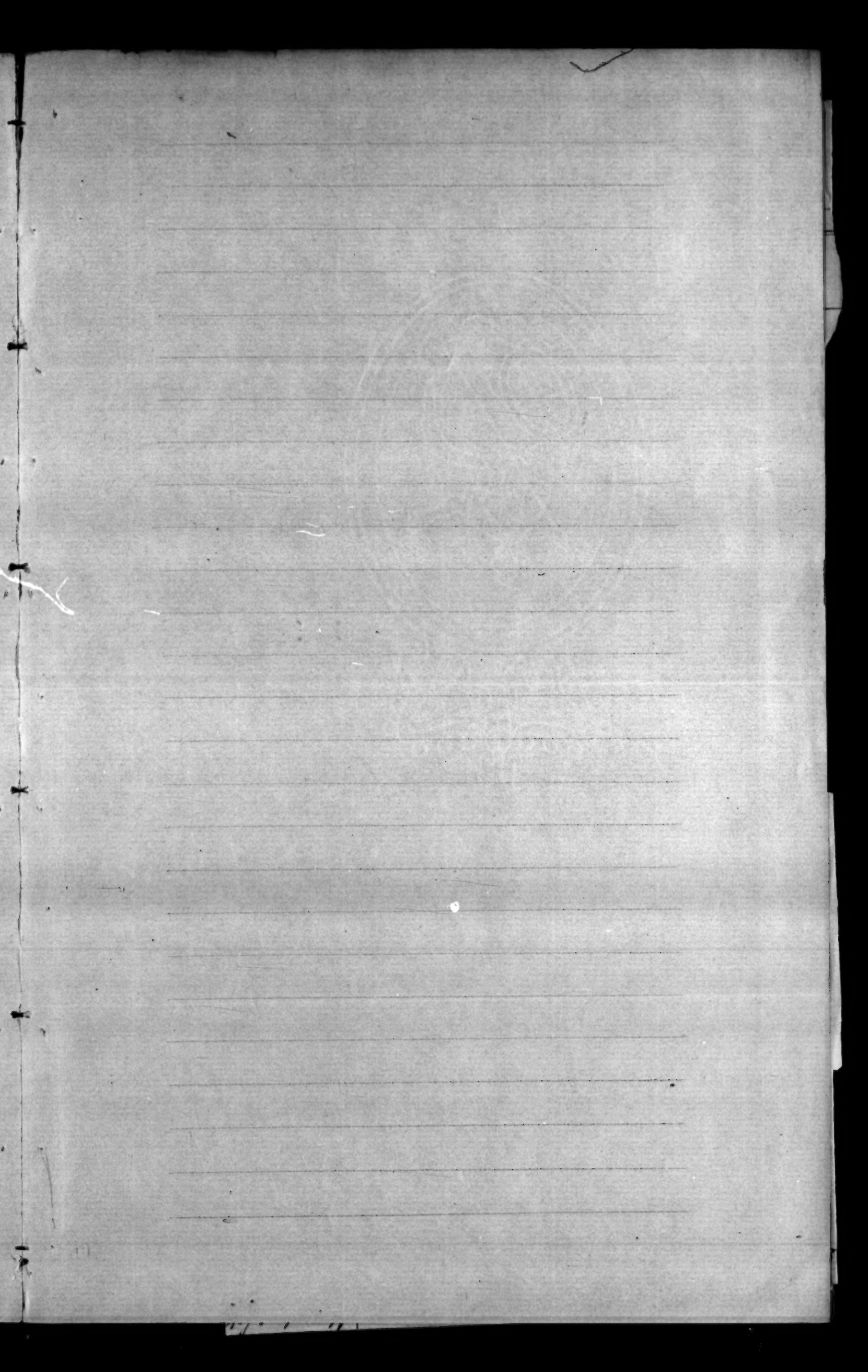
Lewis Cass

Secretary of State  
Washington



Consular Court. The  
account of Mr Hyatt,  
and the return of Mr  
Smith, (which includes  
the disbursements on acc-  
ount of the Consular Court)  
are the <sup>only</sup> reports received, since  
Mr. Ward left China.

Respectfully  
Your Obedt. Servant  
C. R. Stirling  
Acting Officer  
Chargé d'affaires  
ad interim





With Comm. Strickling's No 3, of 20<sup>th</sup> Jan., 1861.

UNITED STATES CONSULAR COURT

Return of Suits from the 1<sup>st</sup> day of July 1860 to

NO. OF CASE.	DATE OF FIRST PROCEEDINGS. 1860	NAME AND NATIONALITY OF PLAINTIFF.	NAME AND NATIONALITY OF DEFENDANT.	NATURE OF SUIT.	
1	July 3	W. Fogg & Co. United States	Ship Competition United States	Debt.	No
2	" 27.	John W. Nune British subject	Ship Sportsman United States	Do.	
3	Aug. 3.	Ship Swallow United States	Ship Richard Busteed United States	Damages by Collision	In for
4	" 14	E. W. Dixon United States	F. Pearson United States	Debt	No act
5	" 14	The Accountant General of H. B. M. Navy. British	W. A. Hale United States	Debt	No
6	" 27	The United States	Thomas Ratt United States	Wife's trespass and killing dog	For 60 = m
7	" 29	George Barnett & Co. British	Bark Pursuit. United States	Debt	No Ac
8	Sept. 5.	Do	W. Fogg & Co. United States	Debt	In
9	" 13	The United States	Crawford Allen Jr. United States	Assault and Battery	For
10	" 21	M. Legallier Commisary de la Marine Imperial France			

RT AT Shanghai Chinato the 31. day of December 1860, inclusive.

JUDGMENT.	AMOUNT OF FINES IMPOSED.	AMOUNT OF FEES CHARGED AND RECEIVED.	DISPOSITION OF FINES AND FEES.	APPEAL.
No cause of action		\$25. <sup>30</sup>	To associates \$6. Marshal 7.15 Clerk 12.15 \$25.30	None
Do.		\$10. <sup>90</sup>	Marshal 5.95 Clerk 4.95 \$10.90	Do.
In favor of plaintiff for Pails 310.		\$27. <sup>60</sup>	Associates \$6. Marshal 9.30 Clerk 12.30 \$27.60	Do
No cause of action		\$7. <sup>25</sup>	Marshal \$3.25 Clerk 4.00 \$7.25	Do.
No cause of action		\$6. <sup>40</sup>	Marshal \$3.50 Clerk 2.90 \$6.40	Do.
Found guilty. 60 days imprisonment - must - No cause of Action.		bount expenses \$14. <sup>25</sup> not received. \$19. <sup>15</sup>	Marshal \$7.50 Clerk 6.75 \$14.25 Associates \$6. Marshal 7.15 Clerk 6. \$19.15	Do. Do.
In favor of plaintiff for Pails 498.8.4.		\$28. <sup>75</sup>	Associates \$6. Marshal 10.50 Clerk 12.25 \$28.75	Do.
Fined - guilty. \$10. received \$10.			Marshal 5.50 Clerk 4.50 \$10.00	Do
Plaintiff to pay defendant 272. <sup>59</sup>		\$28. <sup>50</sup>	Associates \$6. Marshal 12.50 Clerk 10. \$28.50	Do.



11	Sept. 24.	J. Pearson United States			
12	" 26.	The United States			
13	Oct. 3	Do H. Moreau United States	enticing &c. descent of two men from U. S. ship Hartford		
14	Sept. 3.	Estate of E. A. Baker deceased United States	Probate		
15	October 8.	The United States James R. Fuller & W. Welshman United States	robbing of Chinese		
16	October 15	Kupferschmid & Co. German P. H. Young United States	Debt		
17	Oct. 23	Estate of John H. Fuller deceased United States	Probate		
18	Oct. 31.	J. W. Lewis British Ship Florence United States	Debt		
19.	Oct. 30.	The United States George H. Thompson United States	Violation of 11 <sup>th</sup> Article of Treaty of Puntson		
20	Nov. 1	The Same W. E. Ayres United States	Do.		
21	Nov. 7	René Schmitt & Co. French Thomas B. Schaeffer	Debt		

No cause of action		\$5.	Marshal \$3.50 Clerk 1.50 \$5.00	None
Not guilty		Court expenses \$18.75 not received.	Marshal 9.25 Clerk 9.50 \$18.75	Do.
Guilty	\$100. received.	\$33.95	Marshal \$12.50 Clerk 13.95 Witnesses 7.50 \$33.95	Do.
Administered upon ~		\$37.75	Marshal \$12. Printer 3.28 Appraisers 6.00 Clerk 16.47 \$37.75	Do.
Fuller not guilty.				
Welshman guilty	\$150. & 30 days in prison. Fine not paid.	\$29.94	Marshal \$11.50 Witnesses 6.00 Clerk 12.44 \$29.94	Do.
For plaintiffs - Pals 29.		\$8.50	Marshal \$4.50 Clerk 4. \$8.50	Do.
		\$12.50	Marshal \$3.00 Clerk 6.50 Appraisers 3.00 \$12.50	Do.
No cause of action.		\$14.30	Marshal 7.80 Clerk 6.50 \$14.30	Do.
Both tried together and found guilty.	\$10. each Fines paid.	\$20.	Marshal 11.50 Clerk 8.50 \$20.00	Do.
For plaintiffs - Pals 87.20		\$10.	Marshal \$5. Clerk 5. \$10.	Do.



22	Nov. 7	The United States	J. K. Mooney United States	Assault & Battery	For
23	Nov. 10	W. Howard Manager in charge of Chartered Mercantile Bank of India, London & China as agent of Chartered Bank & Co - British -	Ship Lebanon - of New York United States - her tackle, apparel & furniture together with her freight & cargo. United States -	In Admiralty on bottoming bond.	On of
24	Dec. 29.	Russell & Co. United States	Capt. G. Smith & owners of the Bark Starling - United States -	Debt	For

Found guilty.

Fined \$100. &  
to give bond  
to keep the  
peace, & \$50.  
of the fine to be  
paid to W. E.

\$42.75

Marshal \$19.25  
Witnesses 9.00  
Clerk 14.50  
\$42.75

none

Order of Sale  
granted

Ayres - received \$50. fine  
\$66.38

Associates \$6.  
Marshal 20.25  
Clerk 40.13  
\$66.38

So.

For defendants

Associates \$6.  
Marshal 11.40  
Clerk 20.90  
\$38.30

So.

Recapitulation -

Fines received as above \$180.

Court expenses paid as  
above in suits of the United

States \$169.64  
\$10.36

Expenses of Keeping

Welshman in prison \$15. and paid to the Keeper.

Balance brot. down 10.36

\$4.64 Expense of expenses are

the receipts -

United States Consulate  
Shanghai Jan 7<sup>th</sup> 1861

W. L. G. Smith

U.S. Consul





✓ N<sup>o</sup> 14 Recd 16. Apr. Mr. Devick

Legation of the United States  
U. S. Flag Ship Hartford  
Hong Kong February 6<sup>th</sup> 1861

Sir

I have the honor to  
enclose herewith a copy  
of a communication from  
the Imperial Commissio-  
ner dated January 6<sup>th</sup> 1861,  
and a copy of my reply.

I do not suppose any  
difficulty will arise in con-  
sequence of the loss of the  
original copies of the  
Treaty of Tientsin, and  
Commercial Treaty of Shan-  
ghai.

I have also the honor  
to enclose a copy of "Stato-  
ment

Honorable

Lewis Cass

Secretary of State

Washington



"Statement of collections from the Chinese Government, and disbursements to January 19<sup>th</sup> &c" and a copy of the Receiver's letter to me accompanying it.

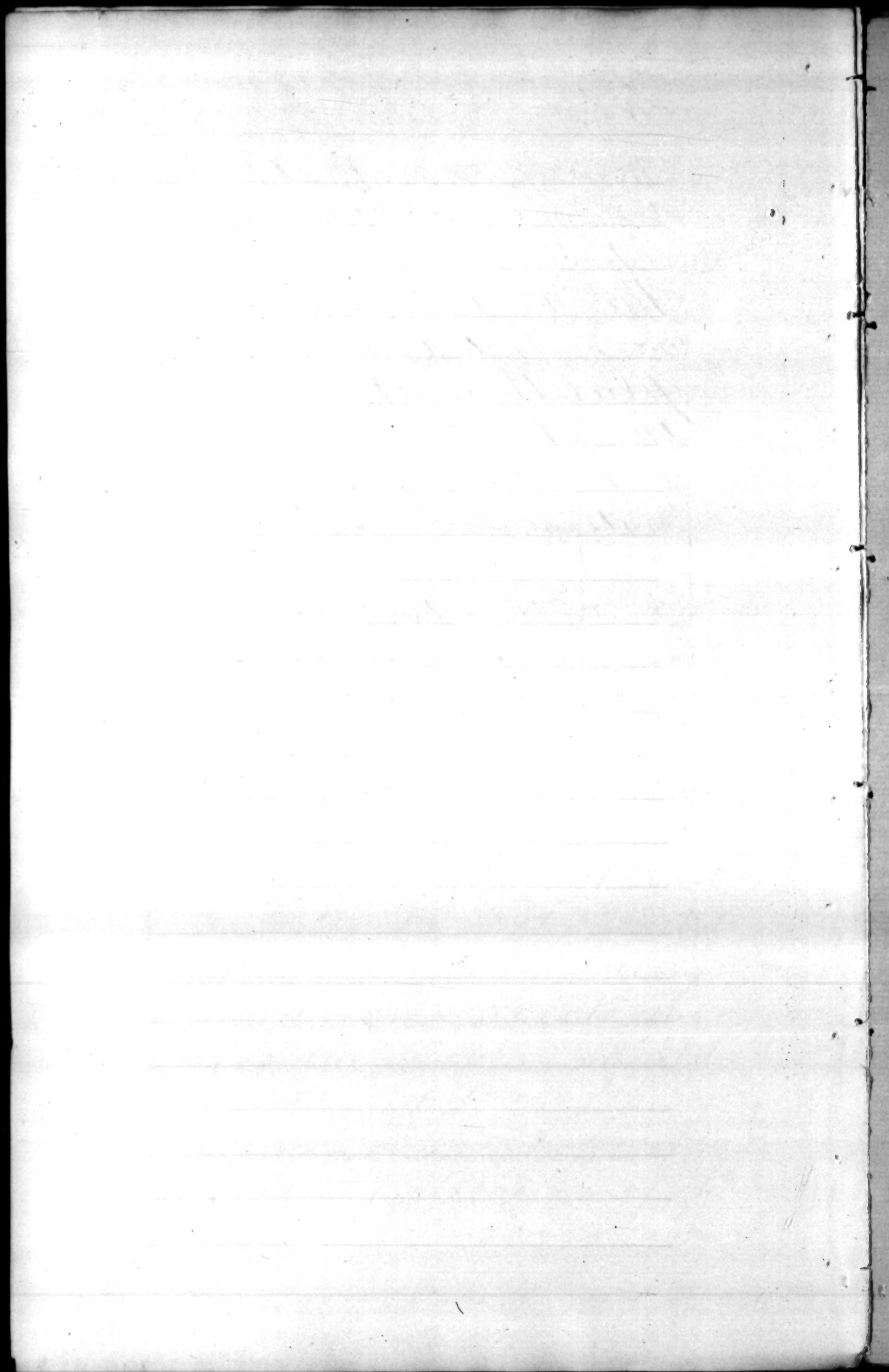
It will be perceived, that after paying the whole amount of indemnity awarded to the different claimants, there will remain to be collected from the Chinese Government, more than two hundred thousand dollars.

The losses sustained by citizens of the United States at Canton, being paid, it appears to me that the surplus should be returned to the Chinese Government. To prevent a misapplication of the

money, I respectfully  
recommend, that the  
whole amount, Five  
hundred thousand taels,  
be collected; and the sur-  
plus then returned to  
the Chinese Government  
with the necessary expla-  
nation.

I am Sir  
Respectfully  
Your Obedt. Servant  
C. R. Thibling  
Flag Officer  
Chargé d'Affaires  
ad interim





Let, by Imperial Authority  
Superintendent of Trade Com-  
-merce at the Five Ports.

A. Dispatch

We have received a Dispatch  
from the High Imperial Com-  
-missioners stating; - that the two  
Countries + U.S. America did  
in the 8th year of Kienfong's  
Reign, ratify Treaties according  
to several articles. - Also, that  
the American public papers &  
Dispatches being in the Summer  
Palace, which has been dest-  
royed by fire, they were wholly  
lost and destroyed. Search  
has been made, but they can-  
not be found. -

By Imperial Authority Han  
Shen Kwoong, a Prince of the  
Empire, and relative of the  
Emperor, in person Communie-  
-ated the same to His Excellency  
Ed the Russian Ambassador.  
A reply was given to this  
effect; - That the several  
Articles



Articles of the Treaty having been printed, & publicly proclaimed on every side, there was no farther use for those last, and no need of searching for them.

And whereas, His Excellency the American Minister was far distant at Shanghai, he could not know of this interview. His Excellency the American Minister Shang should be informed that the American public papers and Dispatches with the Original Copies of the Treaty & Tariff Duties being also deposited in the Summer Palace were all lost. To trace of them is to be found.

At present the several Articles of the Treaty and Tariff of Duties being printed, sealed, and published in every province: whatever matters

Matters may hereafter arise  
between the two Countries,  
they should all be settled  
settled according to the  
published copy of the Treaty  
(See Sect 1) having received  
this Dispatch, have in-  
quired and ascertained  
that the Treaties and  
public Dispatches which  
were in Hunkoon's 8<sup>th</sup> year  
(1858) exchanged with  
your honorable Country  
& Russia, have all been  
lost or destroyed.

And whereas His Excellency  
Ec, the Russian Ambassador  
declared, - that the several  
Articles of the Treaty having  
been printed, publicly pro-  
claimed, there was no nec-  
essity of another, nor of search  
being made for the lost cop-  
ies; we consider his Counsel  
Correct & good.

The printed and published  
Copies



copies should be considered  
valid. - So also the several  
articles of the Treaty with your  
honorable Country (America) have  
been printed, published, sealed  
and sent to every place -

Therefore whatever matters may  
in future arise between the two  
Countries (China and the U.S. America)  
they may be all arranged in accord-  
ance with the published copies.

We are in duty bound to give this  
information to His Excellency,  
the Minister, which he will  
please examine, and send a  
Reply notifying his acceptance  
of this arrangement.

To His Excellency Ward,  
by special appointment Plen-  
ipotentiary of the U.S. America  
to China.

Humfoong's 10<sup>th</sup> Year 11<sup>th</sup> Mo 26<sup>th</sup> day  
January 6<sup>th</sup> 1861

Legation of the United States  
U. S. Flag Ship Hartford  
Hong Kong February 2. 1861

Sir,

I have the honor  
to acknowledge the receipt  
of your Excellency's despatch  
dated January 6<sup>th</sup> 1861, and  
in reply beg leave to state,  
that his Excellency Mr. Ward,  
the United States Envoy  
Extraordinary, and Minister  
Plenipotentiary to China is  
absent on leave, and the  
undersigned, Flag Officer  
commanding the United States  
Naval forces in the East  
Indies, and China Seas,  
has been appointed to act

as  
To His Excellency Sect:  
Imperial Commissioner  
Superintendent of Trade  
and Commerce, at the five  
ports &c &c &c,



as *Chargé d'affaires*, *ad*  
*interim*.

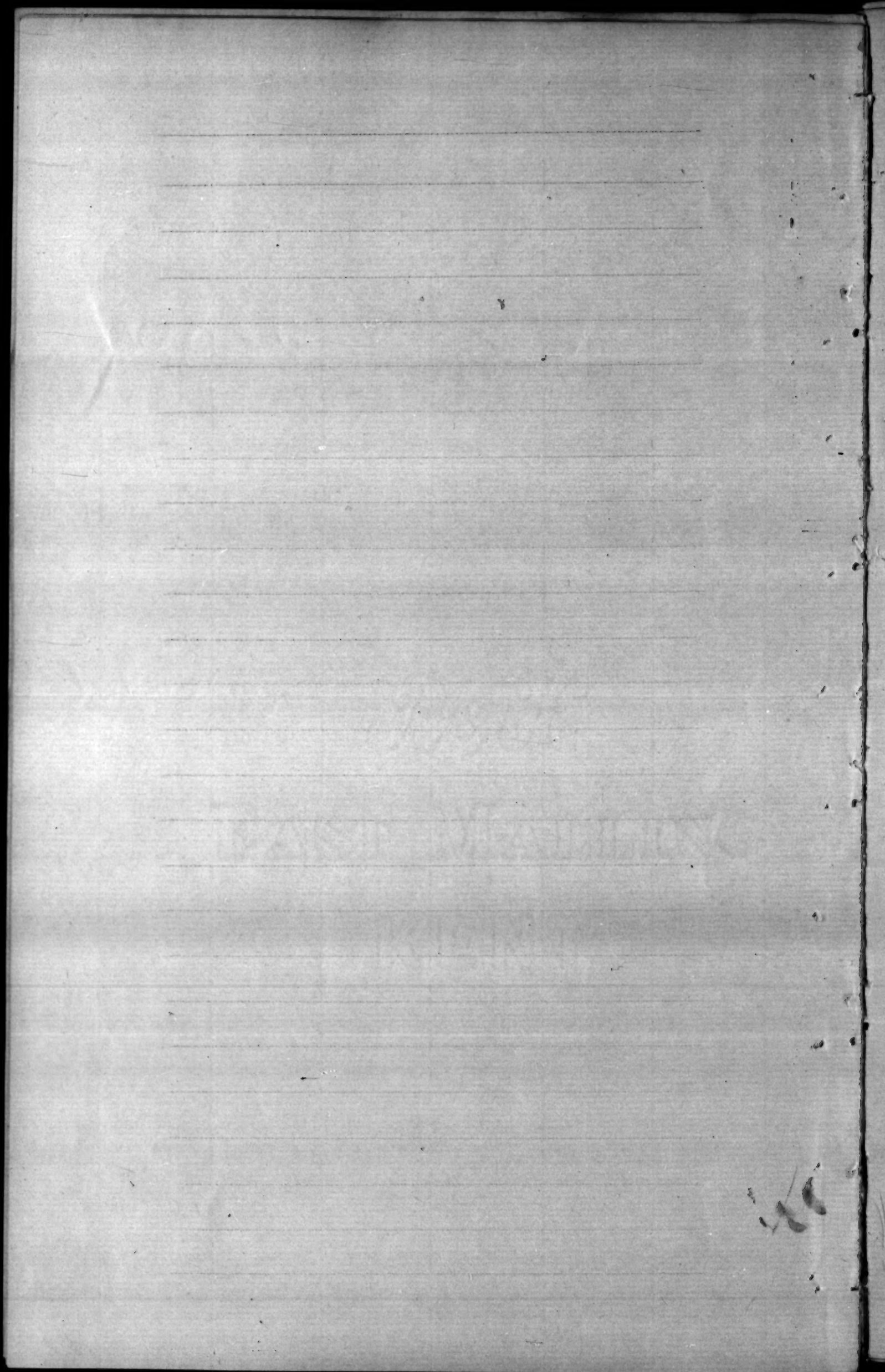
After maturely con-  
sidering your Excellency's  
dispatch, the undersigned  
does not consider the  
loss of the original copies  
of the Treaty and Tariff  
of Duties, of any consequ-  
ence, as they have been  
jointed and published,  
both in China and the  
United States. But if  
any difficulty should  
hereafter happen, respe-  
cting either the Treaty  
or Tariff of duties, a  
copy of both are in  
the Archives of the  
Legation, and can be  
referred

referred to, or if necessary,  
an Official Copy of the  
Treaty and Tariff of duties,  
can be furnished to your  
Excellency.

I am Sir  
Respectfully  
Your Obedt Servant

C. R. Shilling  
Flag Officer  
Commanding the United  
States Naval forces in  
the East Indies and  
China Seas, and chargé  
de affaires, ad interim.





Hong Kong February 1<sup>st</sup> 1861

Commodore C. K. Stribling  
Chargé d'Affaires ad Interim  
of the United States of America  
to China - &c &c &c  
Sir,

We have the honor to hand  
herewith a Statement of monies  
collected by us from the Chinese  
Government and of Disbursements  
made, on account of indemnity  
to the United States citizens  
for losses sustained by them  
at Canton. -

This account is made  
up to the 19<sup>th</sup> ultimo, the date  
of the last payment to Claimants  
and then shows a balance app-  
licable to a fourth dividend of  
\$333<sup>42</sup> Three hundred thirty three  
<sup>42</sup>/<sub>100</sub> Dollars.

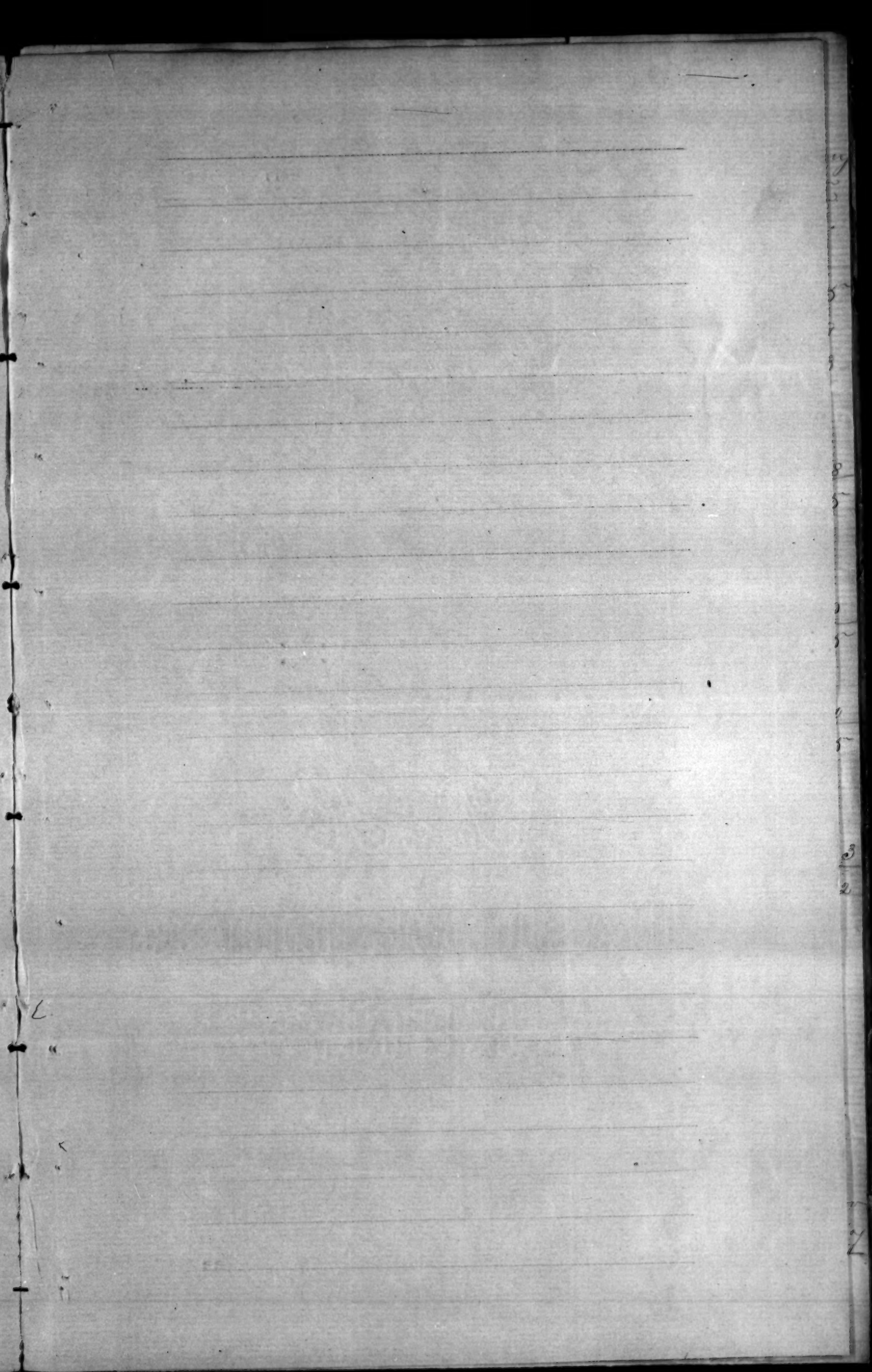
We have annexed a  
Statement of the amount due  
to Claimants to be paid from future  
collections amounting to \$93,491<sup>05</sup>  
ninety



Ninety three thousand four  
hundred ninety one  $05/100$  Dollars  
and an estimate of the amount  
to be received from the Chinese  
Government subsequent to 19  
"ultimo amounting to 295,235.73  
Two hundred ninety five thou-  
sand two hundred thirty five  
 $73/100$  Dollars.

Attest, J  
Sw.

Yacobedent Smith  
Alphanti & Co  
Receivers





7

Statement of Collections from the  
Chinese Government, and of disbursements to January  
19<sup>th</sup> by the Undersigned on account of Indemnity,  
for losses sustained by Citizens of the United States.

Received from Shanghai		\$ 149.554.35
" " Foochow		94.849 09
" " Canton		160.360 83
Interest allowed on deposit by Chartered Mercantile Bank of India London and China . . . . .		2.440 98
Expenses of Collection.		\$ 407.205 25
Paid D. S. Williams for printing &c	\$ 210 56	
Freight on Sycee from Shanghai Wharfage &c	242 19	
Commissions	10.165 35	10.618 10
		\$ 396.587 15
Paid U.S. Consul at Canton for new Flag Staff by order of American Minister		50 00
		\$ 396.537 15
1 <sup>st</sup> Dividend to Claimants paid Jan <sup>y</sup> 18 <sup>th</sup> 1860	\$ 223.772 78	
2 <sup>nd</sup> Dividend " " July 19 <sup>th</sup> 1860	61.025 71	
3 <sup>rd</sup> Dividend " " Jan <sup>y</sup> 19 <sup>th</sup> 1861	111.405 24	396.203 73
Balance in Bank applicable to 4 <sup>th</sup> Dividend.		\$ 333 42

Memo: Total sum awarded to claim-  
ants by Commissioners Bradley and  
Roberts

\$ 489.694 78

Dividends paid as above

396.203 73

Balance due to Claimants

\$ 93.491 05

Total amount to be paid by the  
Chinese Government

Tael 500.000

estimating the Tael to yield \$140 @

\$ 700.000 00

Total Collections to January 19<sup>th</sup> 1869

404.764 27

Estimated balance to be collected from  
the Chinese Government

\$ 295.235 73

C. C. Hong Kong Tribunal 1<sup>st</sup> 1861  
(Signed) Clyphant & Co  
Receivers





✓ Recd 16. Apr. Mr. Derrich  
N<sup>o</sup> 5

Legation of the United States  
U.S. Flag Ship Hartford  
Hong Kong February 8<sup>th</sup> 1861

Sir

I have the honor to enclose  
herewith a notification to British  
Subjects, by Lord Elgin, made on the  
20<sup>th</sup> ultimo, the day his Lordship left  
this place for Manila, on his way  
to Great Britain. This notification  
was first published at Shanghai,  
and was not received here until  
two days ago.

I beg leave to call your partic-  
ular attention to the opening of the  
Yang-Tze, as agreed upon by Mr  
Bruce and the Imperial Com-  
missioner Prince Kung. The  
opening

Honorable

Lewis Cass

Secretary of State

Washington



opening of the river to commerce, will soon be followed by the settlement of Merchants at all the ports opened, and our countrymen will not be the last to take advantage of it.

It is I think, highly important that Consuls should at once be appointed to the ports, now opened, or about to be opened to foreign Commerce, as difficulties are more likely to happen at these ports, in consequence of the character of the persons who probably will be the first to reach them, and the ignorance and jealousy of the Chinese of all foreigners, when they first have intercourse with them.

It is understood here that the expedition to open the Yangtze, under Admiral Sir James Hope, will leave Shanghai before the end of this month. If my relief should not arrive before the middle of July, I think it probable that

I shall attempt to ascend the  
Yangtze, as far as Hang Kow,  
the great Central emporium of  
China, as it is of importance to the  
security of our countrymen who may  
settle in the interior of China that it  
should be seen we have a naval force  
here for their protection. I fear that  
until the rebels are expelled from  
the banks of the river, or an ar-  
rangement made with them, vessels  
navigating the river will frequently  
be subjected to robbery or capture.  
It is understood that the Insurgents  
are in possession of nearly all the  
country on the left bank of the  
river, between Shanghai and  
Hang Kow.

An immediate answer to this letter  
via Marseilles, without going thro' the  
agent of the Department at London mi-  
ght reach me in time to put me in pos-  
session of the views of the Department  
in



in relation to my going up the  
river, before leaving Shanghai.

I am Sir

Respectfully

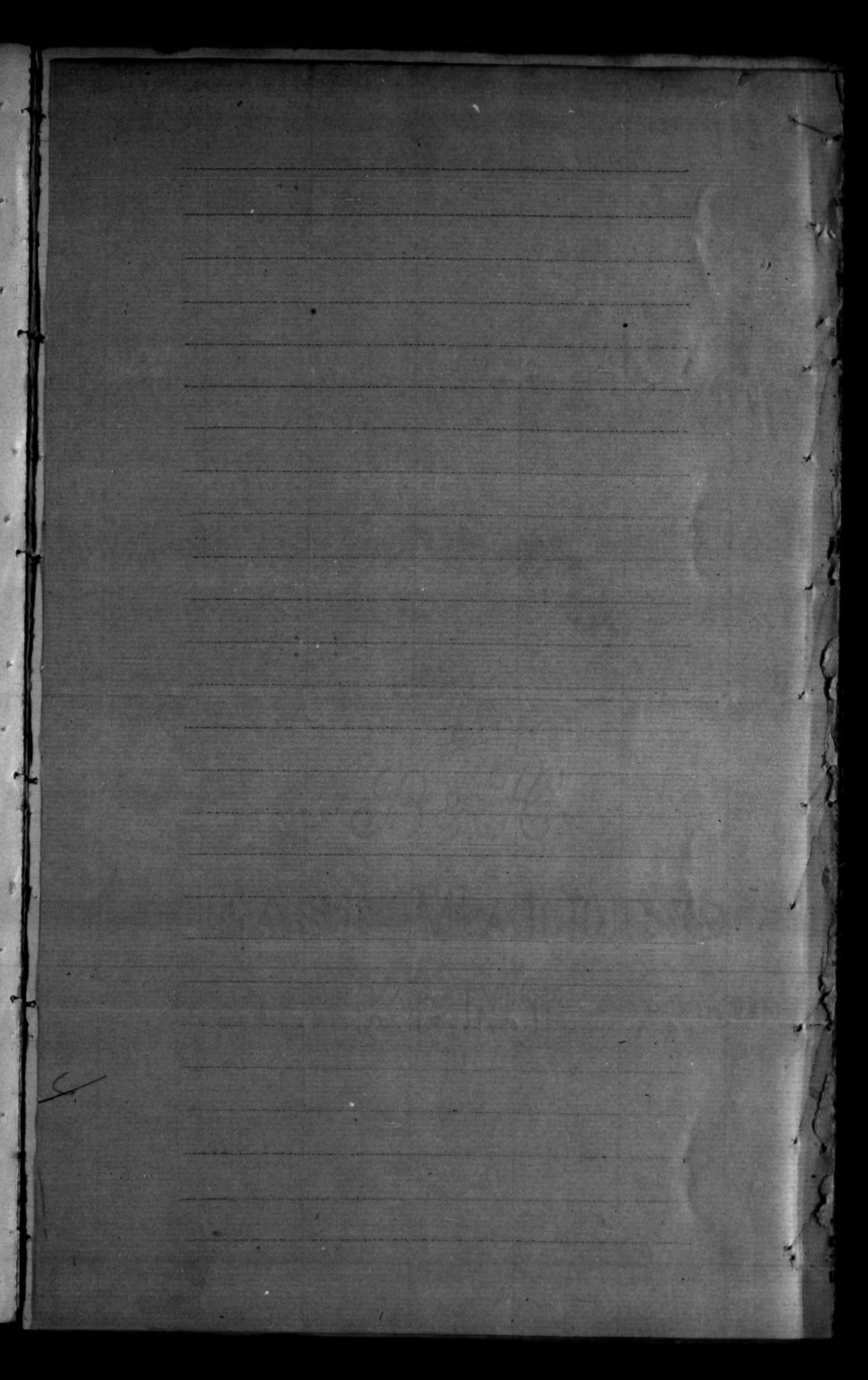
Your Obedt. Servant

C. E. Thibling

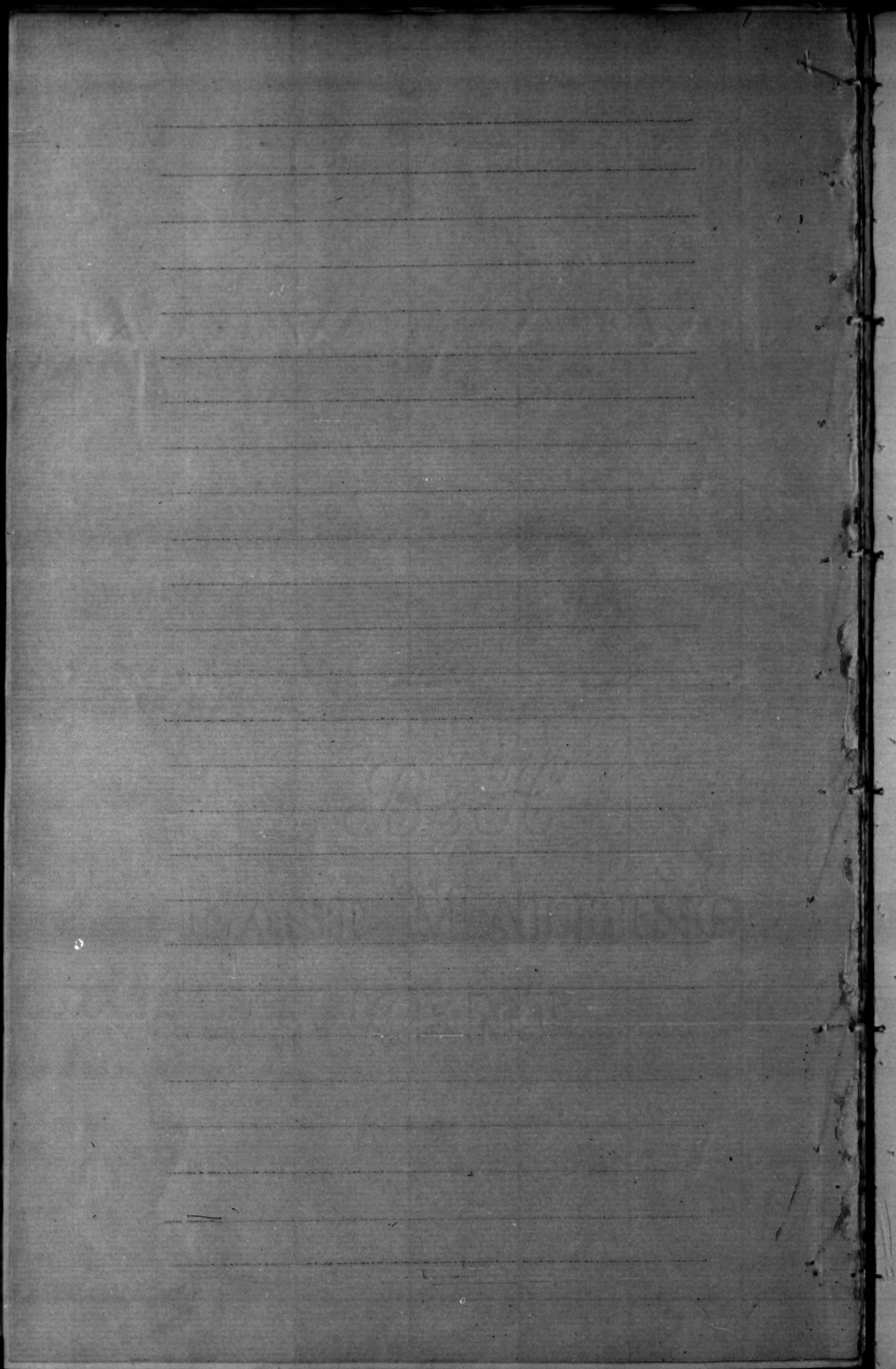
Flag Officer

Chargé d'Affaires

ad interim







## Notification

The Earl of Elgin and Kincardine, H. E. I. C. B. Her Britannic Majesty's Special Ambassador in China &c. &c. hereby makes it known to her Majesty's Subjects in China that Her Majesty's Envoy Extraordinary and Minister Plenipotentiary, the Honorable Frederick William Adolphus Bruce, and the Imperial Commissioner the Prince of Kung, have concluded an arrangement for opening to British trade, at the earliest practicable period two ports on the Yangtze river above Chin Kiang.

His Excellency the Naval Commander in Chief has been requested to adopt such measures as he may deem necessary in order to enable Her Majesty's Subjects to take advantage of the privilege conferred on British Shipping by the arrangement in question, and as soon as the object which he has in view shall have been attained, notice will be given of the Regulations under which trade on the river above Chin Kiang will be conducted.

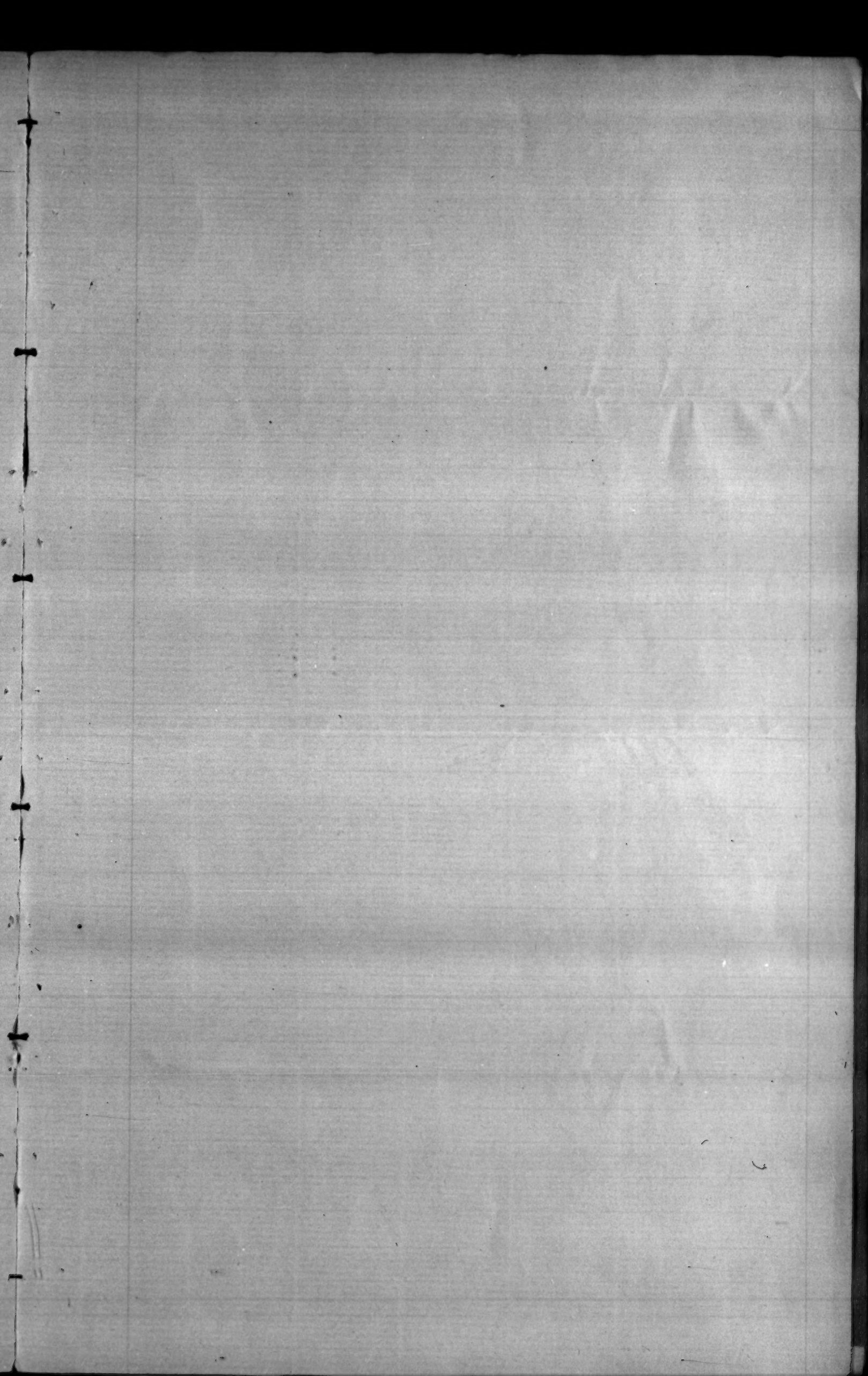
The Earl of Elgin thinks however that it may be convenient to Her Majesty's Subjects in China, if he appizes them, at this early date, that the following are the conditions on which these regulations will be framed.



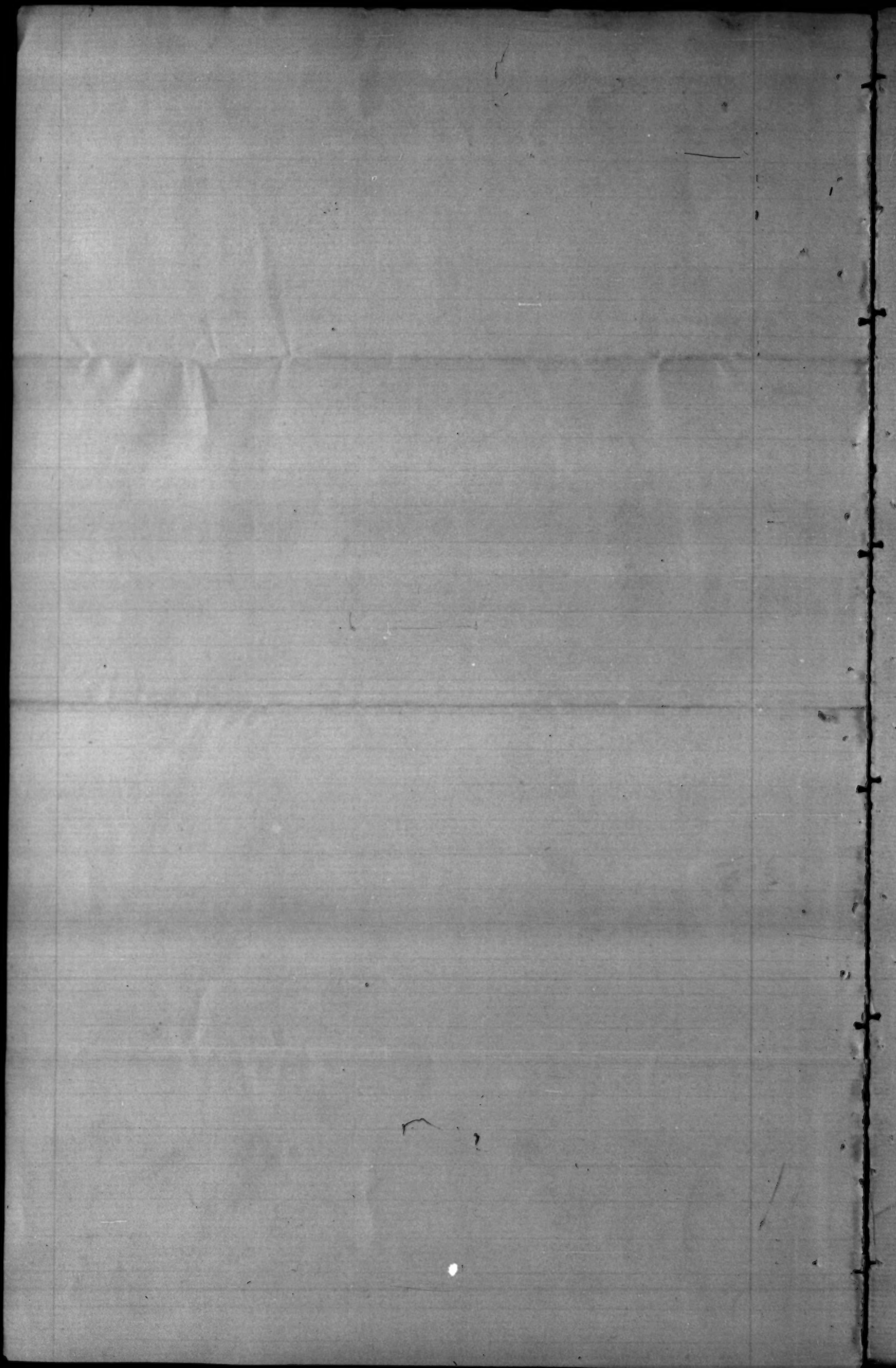
framed. Tonnage dues as well  
as duties whether of Import  
or Export due on the cargoes  
of Vessels proceeding up or down  
the River will be payable at  
Shanghai or Chin-Kiang; and  
Traffic in arms or ammunition  
will be prohibited under  
severe penalties.

(Signed) Elgin and Kinnear

Hong Kong 20<sup>th</sup> January 1861







True copy of dispatch

Dec. 17. 1866

Wm. Williams

No. 6.

Legation of the United States,

U. S. Flag-ship Hartford,

Hongkong, March 13. 1861.

Sir,

I have the honor to acknowledge the receipt of your letter dated December 19<sup>th</sup> 1860, addressed to Mr. Ward.

I inclose herewith copies of two letters addressed to Mr. Gouverneur, Consul at Fuhchau. I have only addressed letters on these subjects to such consuls as have asked for instructions or information, the others, I presume, consider themselves sufficiently informed to act without requiring instructions or information.

Wm.

Hon. J. L. Black

Secretary of State, Washington



Mr. J. Hart Hoyatt, consul at Amoy, has informed me of his intention to resign his office on the 1<sup>st</sup> of April. I have appointed Mr. J. Hart Hoyatt Jr. to act as consul at Amoy, upon the resignation of his father, until the pleasure of the President be known. Young Mr. Hoyatt has been several years in China, and is well acquainted with the duties of the office. I know of no other person so well qualified to act as consul. His character is unexceptionable.

Mr. Breck, recently appointed consul at Swatow, has informed me that he has received orders from the Department to include Ningpo in his consular jurisdiction; and of his intention of proceeding to Ningpo, and appointing a vice-consul at Swatow. I beg leave, respectfully, to represent  
that

that it would be much more convenient to attach Swatow to the Canton consulate, or Ningpo to the Shanghai consulate, than the present arrangement, by which the Consul is separated from the Vice-consul, attached to his Consulate by two consular ports. In fact Swatow and Canton are within the government of the Two Kwang; and Ningpo and Shanghai are in provinces under another Governor-general.

I am, Sir,

Respectfully,

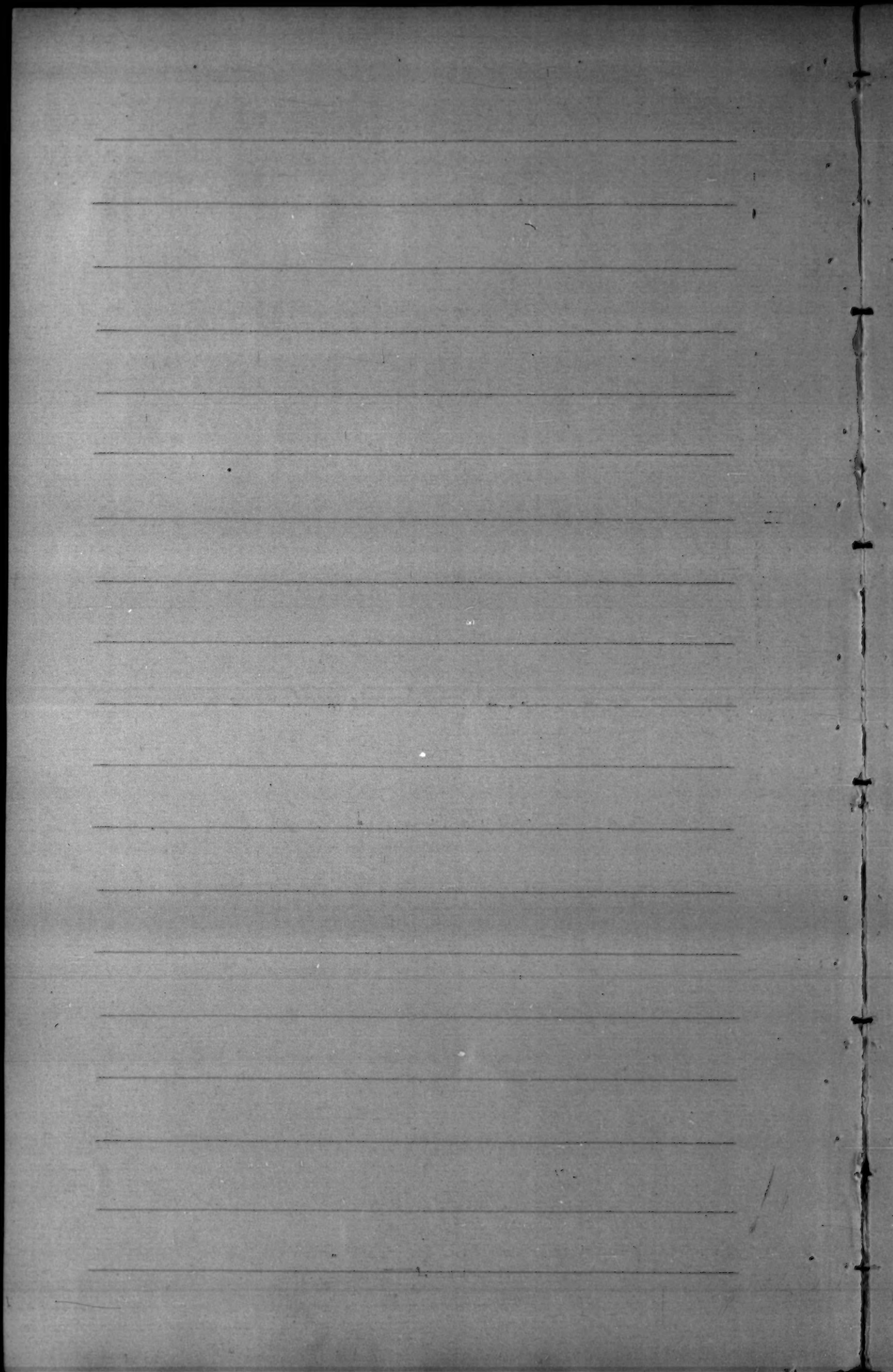
Your Obedient Servant,

C. K. Stribling

Flag Officer

Chargé d'Affaires ad interim





Consulate of the United  
States, Fuhchau, Feb<sup>y</sup> 11. 1861

Sir,

Mr. Thomas Dunn, a merchant  
residing and doing business at this port, has  
applied to me for a passport, for the pur-  
pose of proceeding into the interior. Not  
having received any instructions in relation  
to granting passports to parties going into the  
interior of China, I am compelled to apply to  
you for instructions on the subject. Should  
you authorize me to comply with his wishes,  
and give him a passport, I beg you will  
furnish me with the form to be used on  
the occasion, and inform me of the manner  
in which it is to be presented at the dif-  
ferent

Commodore C. K. Stribling,

Chargé d'Affaires ad interim to China

L



ferent places he may visit, as well as any  
other instructions you may deem advisable,

I am, Sir,

Very Respectfully

Your Obedient Servant

(Signed) Samuel L. Gouverneur Jr

U. S. Consul

Legation of the United States,  
U. S. Flag-ship Hartford, Hong-  
kong, March 7<sup>th</sup> 1861

Sir,

Upon my arrival here from Manila, I received your letter of the 11<sup>th</sup> ult: in relation to granting passports to citizens of the United States to travel into the interior. The 9<sup>th</sup> article of the British treaty of Tientsin provides for the issuing of passports into the interior of China by consuls, countersigned by the local authorities; the same right is secured to citizens of the United States by the xxx<sup>th</sup> article of the American Treaty of Tientsin: with the right of the citizens to travel into the interior, the duty of the consuls to grant passports, follows

Samuel L. Gouverneur Esq.

U. S. Consul, Fuhchau



follows as a matter of course. The restriction in the act of Congress, approved August 18<sup>th</sup> 1856, in granting passports, is, in my judgment, set aside as regards China, by the British Treaty, as the conditions and by whom the passports are to be issued, are provided for in the treaty. You are hereby authorized to grant passports in accordance with the IX<sup>th</sup> article of the British treaty, and will be careful not to grant passports to "Nanking" and other cities disturbed by persons in "arms against the Government;" neither are you to grant them to crews of ships.

For your guidance in granting passports, I refer you to the Regulations prescribed by the President for Consular Officers, Nov. 10. 1856, Chap. 25, and particularly to Sects. 407 to 413 inclusive.

The

The form N: 46, Consular passports, is very good; but in issuing it, there should be inserted a clause forbidding the bearer to enter Nanking and other cities disturbed by persons in arms against the Government. As to the manner in which the passport is to be presented to the local authorities, I do not think it necessary to prescribe any, the bearer must be governed by circumstances, ~ exercising a proper discretion

I am, Sir,

Respectfully,

Your Obedient Servant

C. K. Stribling

Flag Officer,

Chargé d'Affaires ad interim



Consulate of the United States,

Fukchau, Feb<sup>y</sup> 11, 1861

Sir,

I am informed that treaties have been ratified between the Governments of H. B. M. the Queen of Great Britain, and that of H. I. M. the Emperor of France, with H. I. M. the Emperor of China. I am also informed that there are provisions in those treaties more favorable to the subjects of those Powers than there are to citizens of the United States in the treaty of the United States ratified by Mr. John E. Ward, Minister of the U. S. at Tientsin. The merchants at this place, under what is termed the "favored nation clause", ask that these benefits shall likewise be extended to them. I have the honor,  
therefore,

therefore, to request to be officially informed  
if such treaties have been ratified, and to  
be furnished with an official copy of  
the same; and also, to be instructed in  
relation to the construction to be placed  
upon them, in order to conform in my  
official action with other officials in  
China

I am, Sir,

Very Respectfully,

Your Obedient Servant,

Samuel L. Gouverneur

U. S. Consul

Commodore C. K. Stribling,

Chargé d'Affaires ad interim

in China



Legation of the United States.

U. S. Flag-ship Hartford.

Hongkong, March 7. 1861

Sir,

I am in receipt of your letter of the 11<sup>th</sup> ult. By the xxx<sup>th</sup> article of the American treaty of Tientsin, any benefits conferred by any subsequent treaty upon the subjects or citizens of any other country, are "at once freely to enure to the benefit of the United States, its public officers, merchants and citizens."

The British and French Governments having concluded treaties with the Chinese Empire, which treaties have been ratified and published, our countrymen are

at

Samuel L. Gouverneur Esq

U. S. Consul, Fuhchau

at once entitled to all their benefits in all the ports open to commerce.

I have not been furnished with an official copy of the French treaty. I have the British, but only one copy, and cannot therefore supply you with either the French or English treaties. The North China Herald is the official paper of the British Legation, and the treaty was published in it on the 6<sup>th</sup> of December 1860. You can, I suppose, obtain a copy; and this will, I think, be quite sufficient for you to inform our countrymen that they are entitled to all the benefits of either treaty,\* by the most-favored nation clause in  
ours

\*The French treaty does not materially differ from the British. The only difference of consequence is in relation to churches and church-lands, formerly held by French missionaries; these of course cannot in any way affect us.



ours, from the date they went into effect. The plain and literal construction of the Treaties are to be put upon them, unless otherwise directed by the Government of the United States. If, therefore, there should be any objection made to granting the citizens of the United States all the benefits of the British and French treaties, you will at once take proper notice of it, and inform the Legation of the case, and your action in relation to it. I am, however, of opinion that the Chinese authorities will be careful to fulfill their treaty obligations; and I hope our countrymen will be equally ready to abide by the treaties now in force in all respects

I am, Sir, respectfully

Your Obedient Servant,

(signed) C. K. Stribling

Flag-Officer, Charge d'Affaires ad interim

Legation of the United States,

U. S. Flag-ship Hartford,

Hongkong, 13<sup>th</sup> February, 1861

Sir,

I have the honor to acknowledge  
the receipt of your letter of the 9<sup>th</sup> inst.

Previous to Mr. Ward's leaving China,  
he addressed a circular to all consuls infor-  
ming them that the President had directed  
him, upon leaving China, "to place the  
books and archives of the Legation" in my  
hands, and that I would transact all the  
business of the Legation. As Mr Ward's leaving  
China was publicly known, I presume he did  
not consider it necessary to announce the  
day of his departure.

In

J. Hart Hyatt Esq

U. S. Consul, Amoy



In reference to your intended resignation, I do not believe you can appoint your successor. I know that not long before Mr Ward left Shanghai, Dr. Bradley applied to him to do as you wish to do, and that Mr Ward said that it could not be done. Dr. Bradley then resigned, and Mr Ward appointed Dr. Fish acting consul in his place. If you should determine to resign on the first of April, it will be necessary for you to inform me of it, that I may make an appointment of a person to succeed you until the pleasure of the Government can be known. As you name your son as a proper person to fill the place, if you will forward me the proper recommendations of residents of Amoy, I can have no difficulty in giving him the appointment.

I am, Sir, Your Obedient Servant

C. K. Stribling

Legation of the United States.

U. S. Flag ship Hartford

Hongkong, March 7. 1861

Sir,

The exigencies of American interests at the Port of Amoy, rendering it important to appoint some one to discharge the duties of Consul of the United States at that port; and having confidence in your integrity, prudence, and ability, I do, by the authority invested in me as

Chargé d'Affaires ad interim of the United States of America to China, hereby appoint you to be acting Consul of the United States at

the

J. Hart Hyatt Junior Esq

Acting Consul of U. S. to Amoy



the port of Amoy, to take effect on the first day of April next, or as soon thereafter as the present incumbent may vacate the office; and empower you to perform all the duties, and receive all the emoluments of said Office, until the pleasure of the President of the United States be further known

I am, Sir,

Respectfully

Your Obedient Servant

C. K. Stribling

Flag Officer

Chargé d'Affaires ad interim

Legation of the United States,

U. S. Flag-ship Hartford,

Hongkong, March 7. 1861

Sir,

I have received your letter of the 16<sup>th</sup> ult<sup>o</sup>, and in reply have to inform you that I have this day appointed Mr. J. Hart Hyatt junior Acting Consul for the Port of Amoy, to take effect on the 1<sup>st</sup> day of April, or as soon thereafter as the present incumbent may vacate the office.

Upon your resignation you will please to transfer to your successor the Archives of the Consulate, as required by the 140<sup>th</sup> Section of

J Hart Hyatt Esq

U. S. Consul, Amoy.



of the Consular Regulations, page 69.

I am, Sir,

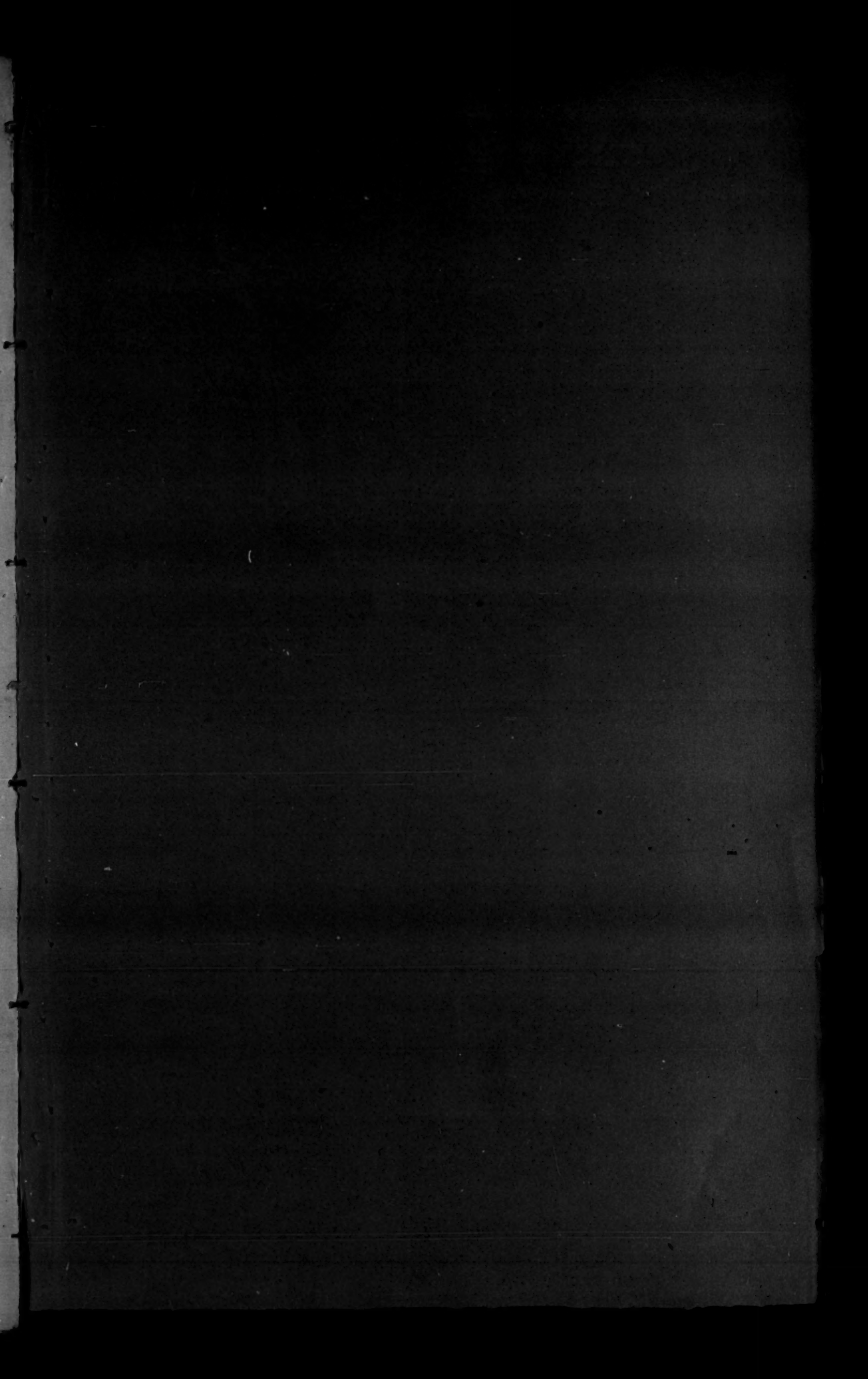
Respectfully,

Your Obedient Servant

C. K. Stibbling

Flag Officer,

Chargé d'Affaires ad interim.







Rev. Mr. McKim  
Recd. 1<sup>st</sup> Oct. 1861. A. H. D.

War Dept.  
March 23. 1861

Hon. Wm. H. Seward

Dr Sir,

Enclosed I send  
you a letter from the Hon.  
William B. Reed, late Minister  
to China, and commend  
it to your respectful con-  
sideration.

Very respectfully  
Simon Cameron



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Philadelphia. March. 21. 1861.

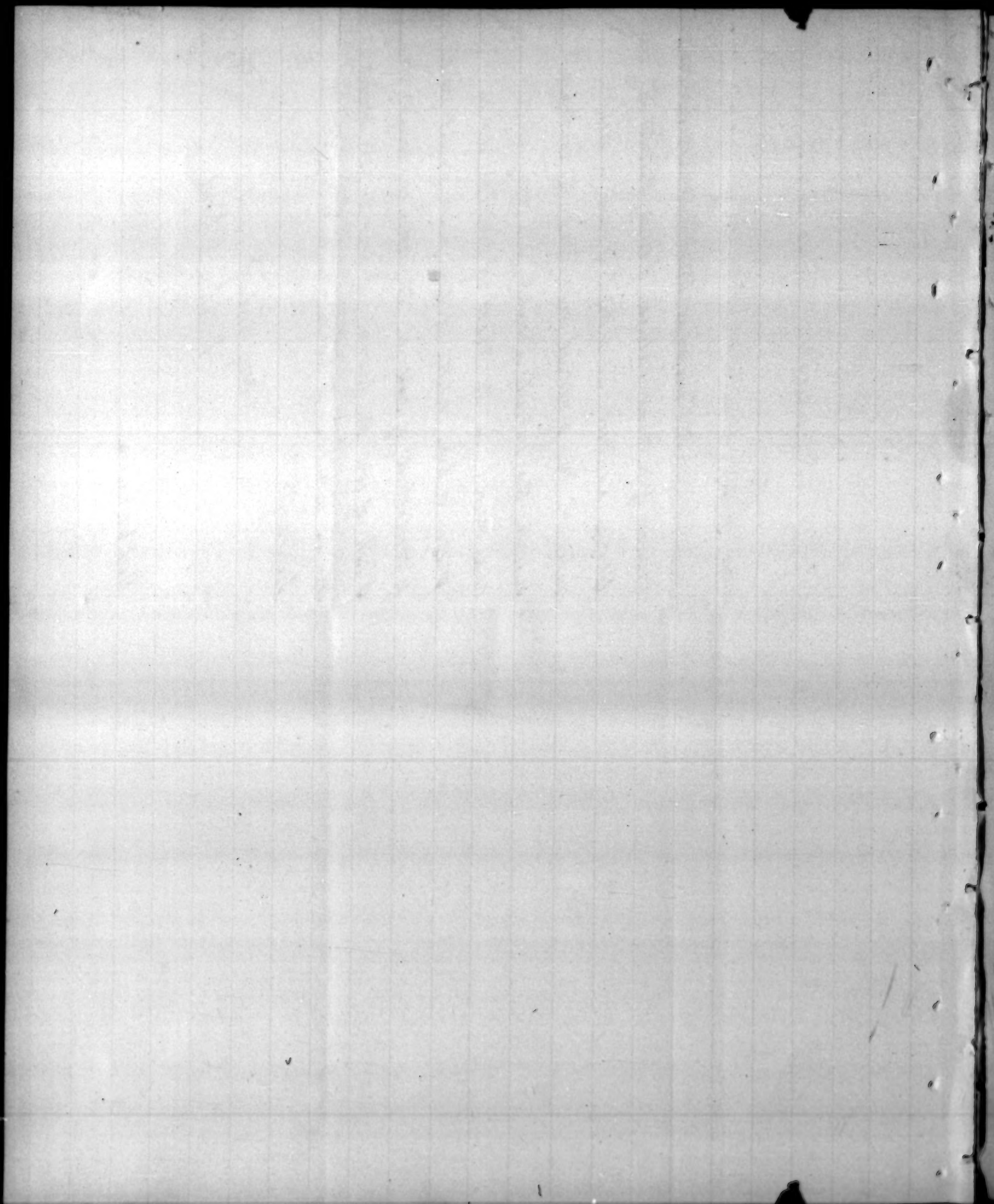
My Dear Sir,

The enclosed letter, written at the request of a most valued friend, relates to China, a subject in which I take a deep interest. My personal relations to Governor Seward, tho' entirely friendly, are very slight and, besides, in the mass of correspondence pressing on him, a letter of this kind might easily be overlooked, if sent in the ordinary way. May I ask of you the favour, if you do not regard me as intrusive, to hand the enclosed to the Secretary?

Very truly y<sup>r</sup>s.  
William B. Reed.

Wm. Cameron.





Rev. S. M. Mearns

Philadelphia March 18. 1861

Dear Sir,

Permit me to call your attention to a matter connected with our diplomacy in the East of some public interest. I am induced to do so at the suggestion of a friend who is good enough to think that what I say on such a subject may have some weight with you.

By the Acts of Congress regulating the diplomatic service the posts of Interpreter and Secretary of Legation in China may be united in one person or separated. If separated, the salary of the Interpreter (\$5000) is not diminished, but the Secretary receives \$2500. If united the salary of the Secretary is saved to the government. While I was in China in 1857, 8, the posts were united, Dr. S. Wells Williams, the present interpreter, holding both places. So it was while Dr. Parker was Commissioner. When my Successor Mr. Ward was appointed in 1859, the places were separated and his brother Mr. Wallace Ward appointed Secretary. He has since resigned and the place of Secretary is vacant. Mr. Williams, (now in this country on leave of absence,) desires to return to China as Secretary, as well as Interpreter. It does not, as I have said, add a farthing to his emoluments,



but makes his position more agreeable and enables him in case of temporary inability ~~on~~ the part of the Minister, to act for him. No where in the world is more official rank or more consideration than in China both with the Chinese themselves and in the strange medley of a foreign community there assembled.

I speak the voice of all our countrymen acquainted with the subject when I say that Mr. Williams' services are essential to our public interest in the East. He has been a resident there for more than 20 years - is a man of moderation and high intelligence, the most accomplished Chinese scholar (with perhaps the one exception of the British Interpreter Mr. Wado) living, and in every way worthy of the confidence of the Government. I hope I may be pardoned for adding that if his ambition led in that direction, which I believe it does not, the President could find no one more worthy to fill the higher office of Commissioner to China than Mr. Williams.

There is another reason why Mr. Williams' presence in China, whither I believe he goes in a few weeks, is most material. He was left by me in charge of the Legation in 1858, after the signature of the Indemnity Convention and superintended its details. It has resulted a wise result, if carefully administered, in a surplus of \$190,000 to the credit of the U.S. - Mr. Williams is familiar with the whole subject.

I hope you will excuse me for troubling you with this letter, which the deep interest I shall always feel in relation

to the least alone will justify. It is the same interest which will prompt me whenever the President shall have selected a Minister or Commissioner to China to render him or you, if you desire it, any assistance in my power, such as my brief experience enabled me to give. The whole subject of our Oriental relations is worthy of your closest attention.

I have the honour to be

Very truly & Respectfully,

Yrs.

William. B. Reed.

Th. Am:

Wm. A. Steward.

Secretary of State.

Washington.



>

✓ Copy Re: 6 June, Mr. Gerrish

papers Adams and Dayton written to on  
the subject 10<sup>th</sup> Feb<sup>y</sup> 1861

Legation of the United States  
U.S. Flag Ship Hartford  
Hong Kong March 26<sup>th</sup> 1861.

Sir

On the 24<sup>th</sup> of February  
last, the coolie passengers  
on board the American Ship  
Leonidas, then at anchor near  
Canton, rose upon the crew  
of the vessel; and before  
they were subdued, the  
Master and several of the  
crew of the ship were badly  
wounded, and several of the  
coolies killed or drowned in  
attempting to swim on shore.

On this occasion the Comm.  
anding Officer of the French  
Frigate "Duranci"; Lieutenant

Honorable J. S. Black  
Secretary of State  
Washington D.C.

Remedy made



Commanding William Howorth,  
of the British Gun boat "Mease",  
Lieut. R. R. Street of the 3<sup>d</sup>  
Reg<sup>t</sup> of Bengal Native Infantry,  
Commanding a fort on the  
river near the Ship, rendered  
the most prompt and efficient  
service in restoring order on  
board the Ship, Dr. W. A. P.  
Turcotte an Assist Surgeon in  
the British Navy, volunteered  
his services, and was unremit-  
ting in his attention to the  
wounded, and continued to  
attend them afterwards at  
considerable personal incon-  
venience. I have thought it  
proper to address Captain  
Leoprent Desbois, of the French  
Navy, and commanding the  
French forces at Canton,  
Admiral Boscawen, the Senior  
British Naval Officer here,  
and Brig<sup>de</sup> General Crauford.

Commanding the British  
forces at Canton. expressing  
my thanks for the valuable  
Service rendered by the  
Several Officers above mentioned  
under their Command. and  
informing them that I  
should bring the affair to  
the notice of the Government  
of the United States. as I  
now do.

I enclose herewith the  
report of Mr. Perry. of the  
Affair on board the "Leonidas";  
he appears on this occasion  
to have been prompt and  
decided, in the measures he  
used in quelling the coolies;  
and in restoring order on  
board the Ship.

I am Sir

Respectfully  
Your Obedt. Servant

C. R. Stirling  
Flag Officer  
Chargé d'Affaires ad interim



Howan and by

No 19

H. S. Consulate Canton  
March 12<sup>th</sup> 1861.

Sir,

Between the hours of 10<sup>30</sup>  
and 11 a.m., on the 24<sup>th</sup> of  
February, Sunday, a person  
appeared at the Consulate, and  
stated that he wished to see  
the Consul / to the Chinese servants.  
One of them reported the same  
to me, where I told him to tell  
the person that it was Sunday  
and that I could not transact  
any business with him on that  
day; this message I suppose was  
fully reported, as almost im-  
mediately the servant returned,  
and stated that the person  
who desired to see me, was a  
seaman from the American  
Ship "Leonidas" (a vessel carrying  
coolies from this port to Harbin)  
and that there had been an in-  
surrection on board the said  
ship, and that several of the of-  
ficers had been killed and several  
of the crew wounded. — I  
immediately went and saw  
the person he informed me that  
he was a seaman belonging to  
the A.M. Ship Leonidas; that  
on that morning the ship being  
at anchor in the Macao passage

about

Forwarded by  
your st. servant  
C. E. Thibault  
Flag Officer, and  
Chargé d'affaires, ad interim



about  $5\frac{1}{2}$  miles below Canton) at about 9 o'clock the Coolies had risen upon the Officers and crew of the vessel; that several were seriously wounded and that two of them were dying, or dead - that after the crew had succeeded in driving the coolies below who were on deck (many having jumped overboard) they attempted to set fire to the ship. I lost no time to obtain assistance.

There being no American vessel of war within these waters, I first went to the French Consul Se Baron de Treugualyx to obtain assistance from the French man of war -, after explaining to him the object of my call, he most willingly staid, though being much occupied, that he would accompany me to the Office of the French Commander in Chief, or that he would furnish me with a letter addressed, stating fully the object of my call. I replied to the Baron, that although the Commander in Chief lived a long distance within the City that I would nevertheless be glad to receive a note addressed him, to make use of

of in case of need - but I would first go to the British Consulate and endeavor to obtain the assistance of an English Gun Boat, and from thence to the Custom House and endeavor to obtain the Custom House Steamer. - The French Consul thereupon kindly furnished me with a note addressed to the French Commander in Chief.

I then proceeded to the British Consulate and was fortunate enough to find the Consul at home - after relating to Mr Robertson the facts of the disturbance, as they had been reported to me, he immediately volunteered himself, to go down (some 2 miles) and see the Commanding Naval Officer, and if possible, obtain a gun-boat to go to the assistance of the Leonidas, and he immediately started off in his boat for that purpose - I then started for the Custom House, but it being Sunday, the principal officials Mr Glover & Mr Hart were out (they reside in the Custom House building); addressed an open note to them both, stating the object of my



my visit. In a short time I received a note from them stating that the Customs Steamer was ordered to get up steam immediately and a passage to the ship was offered me; in the meantime Lieut Giquel of the French Navy and attached to the Allied Commission called upon me and stated that orders had been given for the boats from the U. S. M. Frigate "Durand" to proceed at once to the aid and assistance of the said ship. About the same time Mr Robertson, the British Consul, called and stated that he had fortunately <sup>found</sup> the Commanding Naval Officer of N. M. N. Forces when returning from church and that the officer had given immediate orders for a Gun-boat to get up steam as quickly as possible and proceed to the assistance of the "Leonidas".

I then proceeded on board the Custom House steamer, which vessel was nearly ready to start, & a few minutes after arriving on board the Commander, Norrorth, of N. M. Gun-boat "Weazel" came alongside and inquired if the American Consul was on board, I immediately

immediately went to the gang-  
way and met him. he stated  
that as it would take some time  
to get up steam on board the  
Gunboat he had ordered three  
armed boats to proceed to the  
"Leonidas" that two were in ad-  
vance of him and that the Gun-  
boat would follow as soon as  
possible (I would state that the  
boats had then pulled fully two miles).  
I thanked the Captain and suggested  
to him that he had better make  
fast his boat to the stern of the  
steamer. within a few minutes the  
two boats in advance returned sta-  
ting that they had met one of the  
boats of the French Frigate, return-  
ing with some wounded men on  
board and that they had reported  
that all was right again on  
board the "Leonidas". However Lieut  
Commanding Horrocks preferred  
to proceed, and his boats were  
taken in tow by the steamer, when  
we proceeded to the "Leonidas", as  
we approached near the vessel  
another French boat passed us  
coming from ship.

When I arrived on board  
I found the 2<sup>d</sup> Mate & Crew all  
armed - the Captain, 1<sup>st</sup> & 3<sup>d</sup> Mates  
& Captain's wife having gone to the

~~mess~~



Macao fort and the French Frigate for the purpose of having their wounds dressed, the Steward and one of the boys were also wounded, there was also on board a guard of English troops, the deck was covered with broken plates & basins, there was also blood on deck, on the bulwarks & in the cabin on the bulkheads and in several places on the floor - a number of Chinese were fastened to an iron bar nearly all of whom appeared to be wounded. There was the dead body of a Chinaman on the Port side of the deck and another in a dying state, he died before I left the vessel that evening, they both had gun shot wounds and one was very badly cut with a Cutlass.

I then went below and found the lower deck in the same state of confusion, broken boxes plates dishes, tea clothes &c &c being scattered all over the deck, also marks of fire where they had lighted bed clothes for the purpose of setting fire to the ship. Some of the ships planking below the iron bars across the stern windows had been broken out, leaving a hole sufficiently large enough for

for a man to crawl through, and through which several made their escape by jumping into the water.

The original number on board at the time of the outbreak was 289, after it was quelled there was only 201 found. It was impossible to ascertain accurately the number of killed & drowned, or how many succeeded in swimming ashore - From all <sup>the information</sup> that I could gather I am satisfied that the attempt to seize the ship was premeditated and that they had accomplices on shore and in boats near at hand ready to go to their assistance, but discovering that the fight was going against the coolies they did not approach the ship.

About an hour after my arrival on board the ship the Captain came on board - he had received a very severe cut across the bridge of his nose. he was also much bruised across the loins when he had been struck with an iron bar.

The Commander of the Gunboat having kindly offered to tow the ship up to Canton I advised the Captain to take advantage of his offer.



as it was unsafe for him to remain at anchor where his ship was with so many desperate coolies on board; himself being wounded and the 1<sup>st</sup> & 3<sup>d</sup> mates being absent from the ship having their wounds attended to - and besides, that a full investigation <sup>of the affair</sup> would have to be made.

The Captain consented to have his vessel towed back to Canton, but as the tide was at that time very low we were obliged to remain.

In the meantime I told the soldiers who wished to go onshore to get their supper that they might go, and a guard was sent on board from the gun-boat which had anchored near the ship. I then went to the fort nearby to see the 1<sup>st</sup> mate Mr Odon. I was accompanied by Surgeon Parcell of the British Navy. who after examining him declared that he was in a very critical state - he had several very severe cuts on his head and a very serious bruise across the pit of his stomach where he had been struck with an iron bar. his wounds had been dressed and he was receiving the best of attention and kindness from the commanding officer of the fort and his subordinates for which I

I expressed to the Commander my thanks & obligations.

At 11<sup>30</sup> P.M. the "Leonidas" was taken in tow by the gun boat and towed up to Canton and at 12<sup>30</sup> am. anchored under the guns of the French Frigate "Durand" off the Shamou.

On the following day, the 25<sup>th</sup> at about 3 P.M. a Mandarin with six Attaches went on board the vessel & held a "post mortem" examination over the bodies of the two dead Chinamen. They stated that they were satisfied and remarked that they would take them onshore and have them buried. They asked for \$10<sup>00</sup> to pay for the coffins, which the Captain gave them, and they took the bodies onshore.

During the morning I received a communication from the Allied Commissioners, asking authority for the Allied & Chinese Inspectors of Emigration to go on board the "Leonidas" for the purpose of investigating and reporting upon the causes of the disturbances which took place yesterday among the Emigrants on board that vessel.

I replied that the authority asked for was most cheerfully given as I desired that a full

and



and thorough investigation should be made, not only by the Allied and Chinese Authorities, but also by all others who might feel interested. (A copy of the Correspondence I herewith enclose marked no 1 & 2). During the day I called on board the French Frigate, the "Durance", and after thanking the Captain for his kindness in sending his boats to the "Leonidas" and also for the care and attention he had bestowed on the 3<sup>rd</sup> mate Mr Tucker & the boy.

I then accompanied him, with the Surgeon of the ship, into the Hospital and saw Mr Tucker, he was much cut and bruised about the head. The doctor told me that at one time he thought the wounds would prove fatal - but that he was then better. Though not out of danger, and that if the cool weather continued he thought he would entirely recover.

On the morning of the 26<sup>th</sup> I went, accompanied by Mr Bonney the Interpreter to the Consulate, and Mr Crutchett my clerk, on board the "Leonidas" to be present during the investigation made by the Allied & Chinese Authorities and also

also to take minutes of the evidence.  
On arriving on board I found  
Lieut. de Tausseau & Ergent the  
French, and Mr Mackay the  
British Inspector - shortly afterwards  
a Chinese Magistrate came on  
board.

The Captain 2<sup>d</sup> Mate and  
several of the crew were examined.  
Mr Mackay took the evidence as  
it was given, and he wrote it  
down so carefully & correctly that  
I stopped taking notes myself,  
relying entirely upon the correc-  
tness of his minutes, a copy of which  
I enclose, numbered 3. On this oc-  
casion I directed that all the cool-  
ies in irons on deck excepting those  
that could be identified as being  
at all engaged in the fight, to be  
taken out of irons, which was ac-  
cordingly done, leaving 14 confined  
in irons.

On the 2<sup>d</sup> of March I wrote  
in to the Chinese Magistrate hav-  
ing jurisdiction in the case to  
send a guard on board the ship  
and take out the 14 Coolies and  
take them to his magistrial office  
for the purpose of having them ex-  
amined and punished, which he  
did and on the 7<sup>th</sup> returned the  
whole 14 to me and I sent them  
on board the ship again.

The



The "Leonidas" is now taking in  
cookies to make up her full com-  
plement, under the inspection and  
supervision of the Allied Chinese  
Authorities. The Captain and  
his wife have almost entirely  
recovered from the wounds  
received during the outbreak.

The 1<sup>st</sup> Mate is very much  
better and is on board ship  
although still confined to his  
stateroom. He intends to go  
in the ship. The 3<sup>d</sup> Mate is still  
on board the French Frigate but  
recovering rapidly. The Steward &  
Cook have quite recovered.

I cannot close this despatch  
without calling your attention to the  
promptness with which the English  
& French Officers upon hearing  
of the outbreak on board the "Leon-  
idas" sent aid and assistance to  
her. The English Officer, Lieut J.  
R. Strutt 3<sup>d</sup> Regt B. N. I. who went  
himself on board immediately on  
hearing of the outbreak sent a  
communication to me detailing  
what he saw and did on his ar-  
rival on board, a copy of which  
I herewith enclose marked No 4.  
Commander Horroth the Senior  
British Naval Officer at that time  
at Canton and commanding H. B. M.

N. B. M. Saw-boat "Weasel" and  
also Surgeon Parcell of H. M. N.  
who volunteered to accompany  
the Saw-boat and look after  
the wounded men, also the French  
Officer at present in Command  
of N. J. M. Frigate "Duranci".

I have written Officially to the  
first two mentioned Officers / Copies  
of my letters to them & Commander  
Howorth's reply I enclose marked  
Nos 56 & 7 I have not written of-  
ficially to the Commanding Of-  
ficer of the French Frigate "Duranci"  
as I have not yet ascertained his name.

You will observe on perusal  
of my letters of thanks to these  
Officers that I expressly state, that  
I would bring to your especial  
notice the services rendered by  
them on the above mentioned oc-  
casion and I hope you will be  
able to make it convenient, to  
yourself, and consistent with  
your duty to thank these  
Officers in writing.

If you enclose under  
cover to me any letter ad-  
dressed to these Officers  
I will make it a point to  
see that they reach them  
safely.

A letter addressed  
to



to the Commanding Officer of  
the French Frigate D'Aranci,  
would answer.

Respectfully

I have the honor to be

Sir

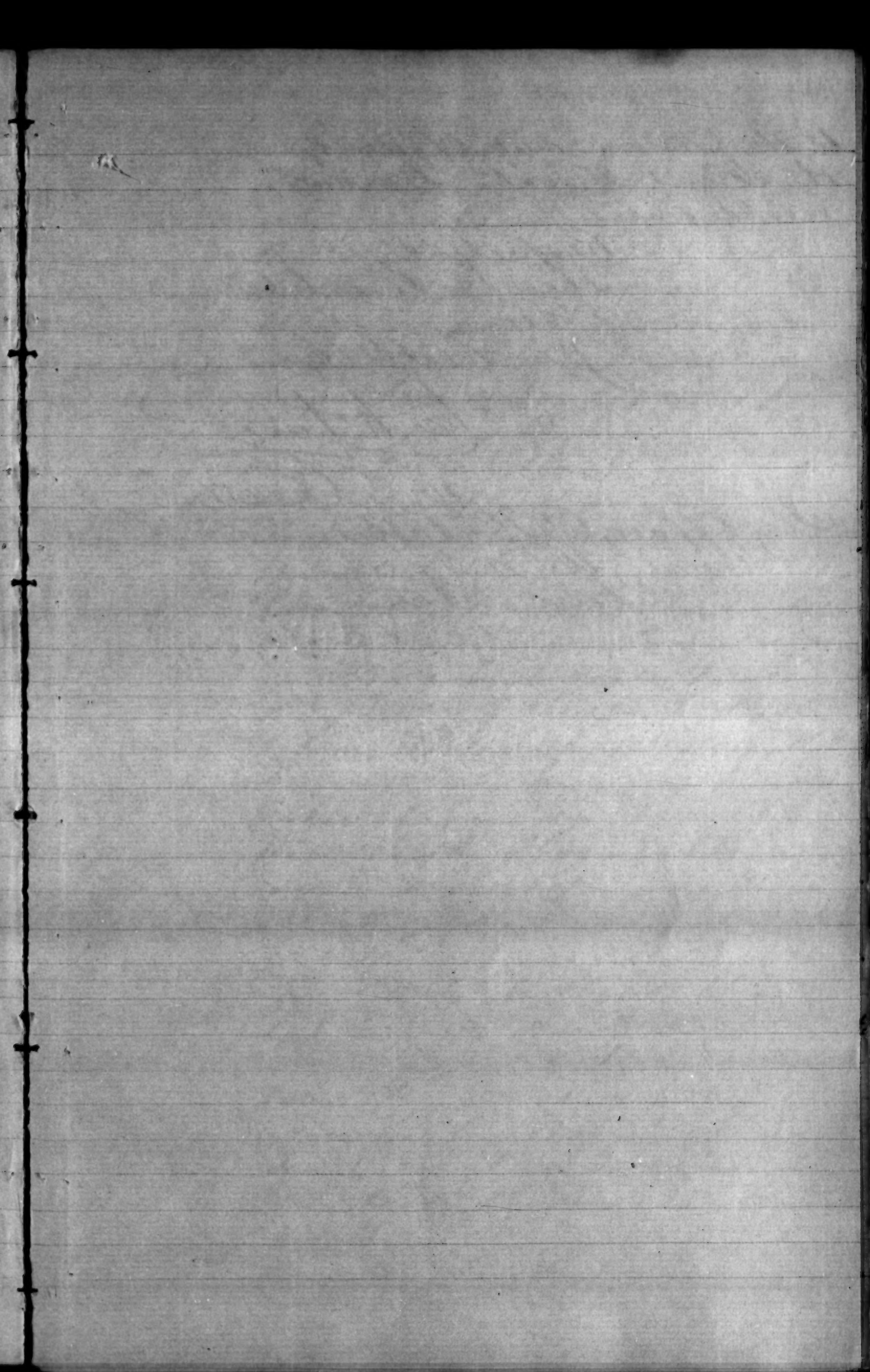
Yours Most Most Sincerely

Wm H. F. F. F.

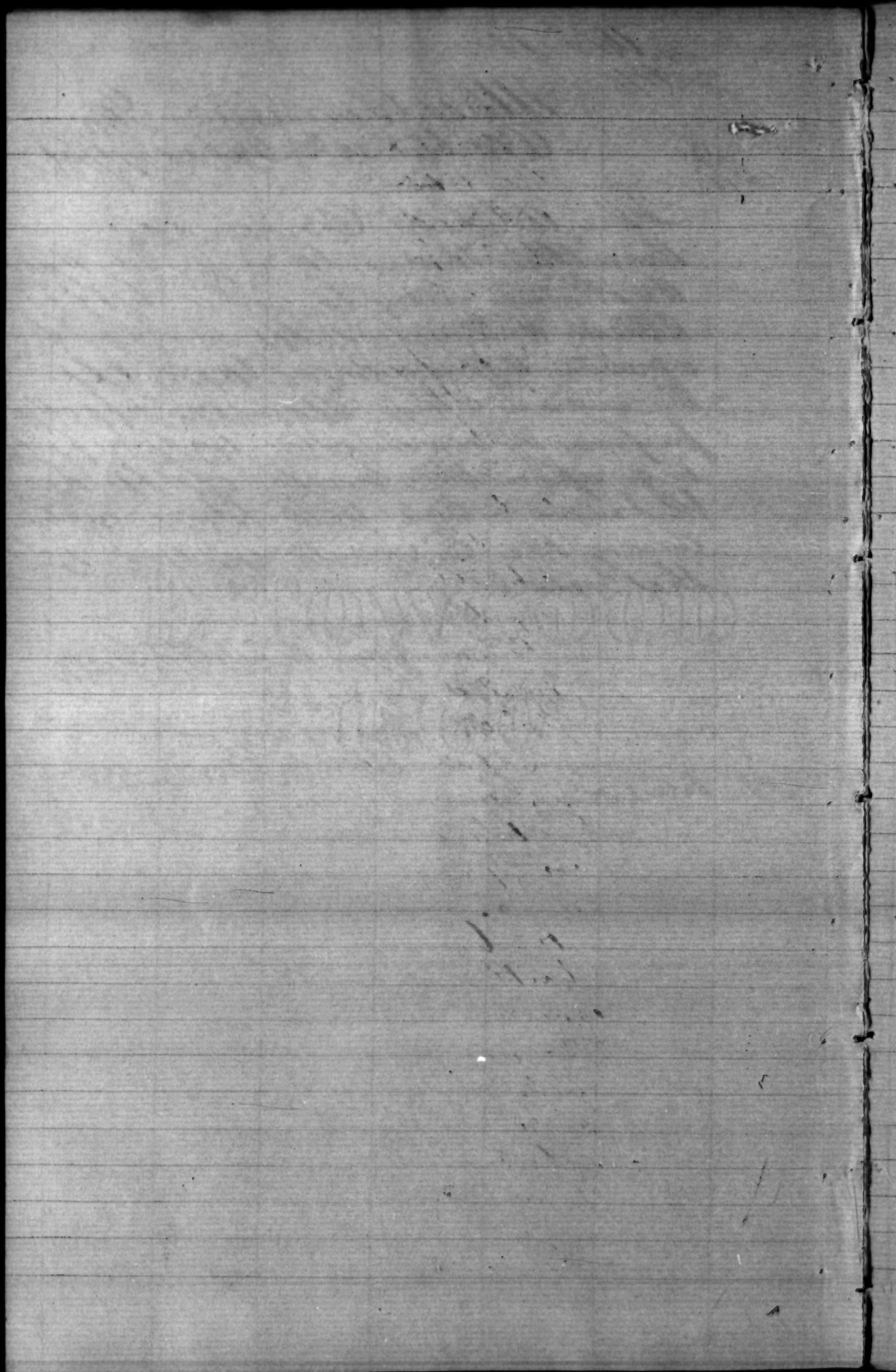
W. S. Consul.

Flag Officer C. K. Stribling  
Commanding U. S. N. Forces  
Chua Station

tc tc tc







No 1  
Copy.

Allied Commissioners Yaman  
Caution 25<sup>th</sup> February 1861.

P. n.

The Allied Commissioners  
have the honor to request that  
Authority may be given to the  
Allied Chinese Inspectors of Em-  
igration to proceed on board the  
American Ship "Leonidas" for the  
purpose of investigating and report-  
ing upon the causes of the dis-  
turbances which took place yesterday  
among the Emigrants on board  
that vessel.

We are Sir

Your Most Obedt Servts

Signed, A. Rownall

" " H. Lauouarn

Allied Commissioners

The American Consul

Caution



My dear Mr. [illegible]

The British Government has been very anxious to see that the rights of the people of India are protected and that the interests of the British Empire are maintained. The Government has been very successful in this regard and has been able to maintain the rights of the people of India and the interests of the British Empire.

This image shows a single sheet of white paper with faint, evenly spaced horizontal blue or grey lines. The lines run across the width of the page. There are no vertical margin lines, and the paper appears to be blank except for the ruling. The lighting is slightly uneven, with some areas appearing brighter than others, giving it a soft, aged appearance.

Copy No 2.

U. S. Consulate Canton

February 25<sup>th</sup> 1861,

Gentlemen,

I have the honor to acknowledge the receipt of your communication of this date, requesting that authority may be given to the Allied & Chinese Inspectors of Emigration, to proceed on board the "American Ship Leonidas" for the purpose of investigating and reporting upon the causes of the disturbances which took place yesterday among the Emigrants on board that vessel.

In reply I have to state that the authority which you request, is most fully & cheerfully given, as I desire that a full & thorough examination should be made not only by the Allied & Chinese Authorities but also by all others who may feel interested.

I have the honor to be  
Gentlemen

Yours Most Obedt Servt  
(Signed) Oliver H. Perry.  
U. S. Consul

To the Allied Commissioners  
&c &c &c  
Canton.



1847  
The General Court  
of the Commonwealth of Massachusetts  
has ordered that the  
Commissioners of the  
Sinking Fund be and they  
are hereby authorized to  
pay to the order of the  
Commissioners of the  
Sinking Fund the sum of  
\$100,000 in full for the  
purchase of the bonds of  
the Commonwealth of  
Massachusetts for the  
purpose of redeeming the  
same.

Copy. No 3.

Notes of our investigation into the riot,  
attended with loss of life, on board the  
'Leonidas' which occurred on Saturday the  
24<sup>th</sup> Feb'y 1861. at 9 am.

Captain Moss,

Master of the February, I was sitting outside  
American read about 9 am. with my wife - We had  
'Leonidas'

On Sunday morning, the 24<sup>th</sup>  
breakfasted & I had just told one  
of the mates to let up a portion of  
the men to breakfast; between 80  
& 90 men were allowed up at one  
time. Just as these men got on  
deck and their food was all set out,  
a great noise was heard below, as  
if a fight was going on. I don't be-  
lieve there was a fight, but a noise  
only was made to irritate one, in  
order to draw attention. The third  
mate & Chief mate jumped below  
to see what was the matter, when  
they were immediately attacked. Both  
are most dangerously wounded &  
their lives are not considered safe.  
I jumped below and rescued the  
Chief mate by tossing him up on deck  
and went up myself. I then heard  
a cry on deck which led me at once  
to believe a general attack had been  
preconcerted and would at once  
take place. The moment I got  
on deck I was knocked down, &  
before I could reach the barricades

Only



Only 25 put off} I was knocked  
down three times. I managed  
to crawl however to the barric  
cade through the legs of the  
Chinamen on deck. By this time  
the blood from my wounds was  
freely flowing and I could not  
see very well what was going on.  
When I got inside the barricade  
and into the cabin I found my  
wife there, and wounded. A few  
Chinamen were already there  
endeavoring to get the muskets  
standing in the racks round  
the cabin. I got hold of a bay  
onet from one of the muskets  
and ran a man through the  
neck {marks of the blood which  
flow out are visible on the panel  
of the door of the inner cabin}. I  
seized a musket and fired it  
off, this had the effect of clearing  
the doorway. I then seized another  
and fired it off on the port side  
and then another on the starboard  
side. I then went out on deck to  
take a look round; my men were  
all engaged in fighting with the  
men on deck; many boats were  
around the vessel; a cry of "fire"  
was then raised. It appears that  
the crew below had collected bed  
ding and paper and endeavored to fire the vessel.

I ordered over the hatches wet sails to be put. The hatches are large open iron gratings about 8 feet square. The men below tried to escape by pumping through the stern ports. Two in succession as they pumped out were shot dead. The third I suffered to reach the water without firing & then picked him up alive. By this time I had got my boat out. I ordered water to be thrown down the hold. The Coolies began to break open the stern ports with iron bars; by this time the coolies below finding the fire dangerous to themselves began to leave it out through the stern ports. I heard the coolies trying to break open the side ports but they did not succeed. I fired two shots down in the hold, at the time the men were trying to fire the vessel, in order to stop them. As soon as the muskets first began to be fired off the men began to pump overboard from all parts of the vessel.

When the fight was quelled I mustered the officers and men and found the Third mate missing. About half an hour afterwards the sail over the hatch was observed to move; on pushing it on one side the mate was found



found to have got there and trying to get out. A few men below tried to prevent him, but on pointing muskets at them they desisted. I put Mr Wood, the first mate and a wounded sailor into the boat and sent them to the Macao Fort. The Officer commanding there came himself to my ship and left a guard of men with me. The Captain of the "Durance" came on board and offered me the use of his boat to go to his vessel and have my wounds dressed, I accepted his offer and by the time I returned to my ship, being absent a little over an hour, I found the United States Consul, Mr Perry had arrived, the Consul ordered my vessel to return to Canton, and she was towed back by the Weazel Gun boat.

I noticed before the disturbance a great many boats, they did not look like fishing boats, but more like piratical boats. They all came out in rank and file with great regularity evidently showing a good state of organization. I feared that they were in concert with my coolies. My fears on this point were so strong that on this account I

I sent to the Macao fort for assistance.

Had there been no boats I should not have required any assistance as I was enabled with my own officers and crew to restore order.

The Pilot was all the time on board his own boat lying astern. He left on Saturday night and would give no reason for not staying on board the ship, so I have since feared that had the riot been premeditated he must have had some cognizance of it.

I think the fight on deck lasted some five or six minutes.

[not attached to the vessel but some distance astern]

Meredith Howard,  
2<sup>d</sup> Mate.

I was forward when the row commenced. a man struck me with a hammer, I shot him with a revolver. I saw men jumping overboard; a cry of fire, was raised and I then saw smoke coming from the After Hatch; I saw two men jump out of the stern ports, they were shot dead; I saw a great number of boats near the vessel and this was the only thing that gave me fear, a great many men were also on the banks of the river on both sides, the river is narrow where we were lying, I saw the chief mate holding on to the grating, he was bleeding very much from the



the head, I think there must have been some plan arranged beforehand to take the vessel. The men had no cause of complaint in any way as far as I know. They all seemed very cheerful and willing and lent a hand in kedging and working the ship going down.

I think the fight, from first to last did not exceed from five to ten minutes.

The men came up to breakfast as usual, about 90 to 100 men, they went to the port side; a yell was then heard below; when the 1<sup>st</sup> & 3<sup>rd</sup> officer went below to quell the disturbance as usual, thinking it was a quarrel amongst the men. I saw the coolies begin running aft to the cabin, to get as I supposed arms, the barricade door was open, I ran aft to save the arms but they had them before me.

I saw Mrs Wood inside the cabin bleeding from the head. I managed to secure a bayonet [when I secured the bayonet it was taken from the musket held by a coolie with whom I was wrestling. This coolie was saw through the neck by the Captain, the man then dropped the musket and ran right forward.]

John P. P. (able Seaman)

forward and jumped overboard from the bows. The other four men who were in the cabin at the time also ran out.] and afterwards a musket which I used in self defence. I saw many men jump overboard. I saw a good many boats coming from the beach; they were open, not covered, when they saw that we were getting the upper hand they went back again. I think the fight lasted twenty minutes until the ship was all quiet.

I heard the cry of fire and saw smoke coming up the hatchway; it was then covered over with wet sails. I struck several men with my bayonet but cannot say whether any were killed or not. I have belonged to the ship from the beginning.

The Captain always treated the men very kindly and allowed them all the privileges he could. I have seen all the men on deck at one time when there were only two watchmen on deck; I never saw any coolies kicked or beaten. Notices were posted up in English forbidding the crew to interfere in any manner with the coolies.



Chinese notices were also posted below for bidding the coolies to interfere with the men, but if they had any complaints to make to come at once to the captain with them.

I was forward in the fore-castle when the noise of fighting was heard. I ran out, and saw basins flying about. A coolie struck me with a basin. Two of the crew were on the fore-castle washing themselves. we all joined in the fight. I saw men pump overboard, I also saw fire in the vessel and saw firing and bedding thrown out of the stern ports. I saw boats pulling up in shore on each side of the vessel. my suspicions were raised by seeing the pilot had anchored his boat a long way astern, instead of, as usual, anchoring along side.

James Stercus.  
(Able Seaman)

### Chinese Testimony.

The Captain won't let us smoke or reason why the opium and the place forward, disturbance should for easing ourselves, is incongruous; any cause out and only holds one at a time. of complaint; any [I saw two places—one on the reason for being starboard and one on the larboard deckside & side, each held two men].

The Captain states: The Captain would not allow that he served a Barber to come and shave him out every day. [The Captain says that a day at eight o'clock barber came twice a week. The to those who ones. Agut In Imbert asserts that a barber was always on board }  
 Red it.]

A boy complained that on the evening of the day of the fight as sailor stole his waist belt, containing \$6.00 while he was easing himself. The sailor was pointed out and called forward but denied having done so. The boy then said that there was another sailor who had assisted him but he could not point him out.

Another coolie came forward and said a sailor on the evening of the same day as the above stole his waist belt, containing \$12. He did not point out, however, the man who had done it, and the 2<sup>nd</sup> mate recognized the coolie, making the accusation, as a man who had lost everything by gambling a fortnight ago, and who was so poor that he offered to sell his red waist band.

On the deck, 24 men were found to be in irons; some had their wrists lashed together; and a group of about a dozen, were fastened by



by the wrist to a long iron bar.

Marks and splashes of blood were visible in various places also bullet marks. although the outward marks of the conflict generally had been effaced.

Most of the men mentioned above in irons were wounded either on the head or hands. one was especially pointed out as having chased a young flesh colored lad with a knife - another with a gash on his cheek was recognized by the sailor who had given it him.

All of the men in irons knew nothing of the disturbance even the man who had chased the sailor lad with a knife denied being on deck at all. he had not even risen, he said, from bed - These men formed part of the 80 or 90 who jumped overboard, but they were picked up while in the water, and rescued, or rather brought back - of course, against their will.

The number of killed wounded and missing has not yet been accurately ascertained.

Two were killed on the deck of the vessel, two shot out of the sternports.

many of the wounded jumped overboard and it is supposed some must have been drowned.

201 are now on board - 289 came on board - therefore 88 men are missing.

[This occurred during the in-

vestigation in was raised of "how overboard"; a the middle of general rush was made to the day]

While on board the ship, a cry was raised of "how overboard"; a general rush was made to the side of the vessel, where a coolie was seen struggling in the water, as if he meant to either dive or drown himself.

In the excitement of the moment, one of the watch fired his musket at him but missed - Mr Consul Perry expressed himself, immediately, very strongly, on the matter and directed the Captain to take the muskets away from the men and arm them instead with cutlasses; which was done. The rescued man gave as his reason for jumping overboard, a fear that he was going to be taken on shore and be beheaded. It was ascertained before this act that he had been one of the most successful gamblers on board, and had won over \$300. - By his own



own account he had a wife & children in Canton; he also owned 10 acres (Chinese acres) of land, upon the rental of which, he could manage always to live without working.

He admitted having been a gambler from his boyhood upwards. He went on board with \$19.00 of his advance, avowedly to gamble and increase it if possible and then get away. He was added to the gang of men already ironed.

Mr Perry before leaving the vessel directed a portion of these men to be released and sent below with the general body of coolies. Shortly afterwards the crew began to murmur. Possibly at this act of leniency. and said that if the men who had risen & endeavored to take their lives and set fire to the vessel were not punished, they would not go in the ship.

The general state of feeling, on all sides, on board is far from satisfactory and this attempt, on the part of the coolies to take the "Leonids" has undoubtedly won the bloodiest and most

13.

most disastrous of all the events during  
this emigration season - whether  
it is considered the number of  
dead and missing or the wounds  
given and received.

True copy of Testimony taken on board  
the before mentioned ship, on the  
26<sup>th</sup> of February 1861. by Mr L. S  
Wackay. Allied Inspecting Officer

James H. Crutcher



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Copy No 4

Macao Fort.

February 26<sup>th</sup> 1861

Sir

As you expressed a wish that I should send you in a statement, of what I witnessed yesterday, on board the American Ship Leonidas; I have the honor to enclose an account of what I myself saw, on board after a fight had taken place, between the corvette on board that vessel, and her crew.

I am, Sir

Yours most obedient

(Signed) J. R. Sturt Lieutenant  
3<sup>d</sup> Regt. B. & F.

To the American Consul.

Canton.

Copy

P. J. O.



Copy of Statement

Statement of Lieutenant Sturt  
3<sup>d</sup> Regiment Bombay Native Infantry  
Commanding Macao Fort.

About half past ten o'clock on Sunday morning, the 24<sup>th</sup> inst., a sailor came into my quarters and reported that the Chinese Coolies on board the ship "Leonidas", lying about 3 miles down the river, had broken out, and that a mate had been killed and several of the crew wounded: he said that the Captain's wife who had been slightly wounded, and the 1<sup>st</sup> mate had come in the boat with him and were at the time alongside the Fort. On my learning from him that the mate was very badly wounded I gave orders to have him landed, so that he might be looked after by my Hospital Assistant - he was brought into the fort covered with blood: and which was flowing very freely at the time from wounds on his head. - The Assistant, and my servant, at once commenced to dress his wounds. Directly I heard of the rising I ordered 6 gunners of the R.A. and 20 Sepoys, to get ready; on their being ready I was obliged to leave Mr Horton, the 1<sup>st</sup> mate, in the charge of the Hospital assistant and my servant. I, with Bombardier Renshaw, and three Gunners, as a boat's crew, and four Sepoys started about 11 o'clock, in the gig, leaving two Gunners and the remainder of the

the Sepoys to come on in the pinnance,  
I arrived at the ship ~~at~~ about 1/2 past  
12 o'clock, where I found the Captain  
and his crew armed; the deck was  
covered with broken plates and Rice,  
and there was the dead body of a China  
man lying on the larboard side of  
the vessel, about midships; there were also  
twelve men, nearly all of whom had  
wounds about the head, fastened to a  
bar on the deck, the Captain informed  
me that these men had jumped overboard  
when they found the fight had gone  
against them, and that they had been  
retaken in the river, and in the fields;  
the hatches were all fastened down, and  
covered over with sails which the Captain  
told me he caused to be placed over  
them, so as to smother the fire, which  
the Coolies had lighted between decks.  
On the Captain asking me if he should  
open the hatches, I said yes, - they were  
opened and we went below - I found  
the same state of confusion, and signs  
of the recent fight, as I had seen on deck,  
for broken plates were lying in every  
direction, there were also marks of fire  
where they had lighted bedding &c. for  
the purpose of burning the vessel: below  
the bars across one of the windows in  
the stern some ~~of~~ ~~the~~ boards had  
been removed which enabled the coolies  
to get through and plunge into the river.  
The



The coolies were drawn up into line and counted, and I believe 163 was the number found below, making with the 12 prisoners on deck 175 etc. They went forward and took out 20, or so, from the galley, making the number up to 195; one of the coolies taken from the galley was wounded on one or both legs a little above the ankle, and had a bad cut on the head, from a cutlass or some other weapon, he was taken out & laid on deck and appeared to be in a dying state. - My large boat having come up with the other men I took out of her two gunners a Maltidar, and 7 Rank and file, and everything appearing quiet, I left these men on board as a guard, and I, with the remainder started about 3 o'clock for the Macao Fort.

I found that during my absence the Hospital Assistant with my servants help had dressed very properly the wounds of the 1st mate, who was doing as well as could be expected. I forgot to mention that, whilst on board the vessel I was shown the Third mate, whose head and face was frightfully cut about. As he appeared to be in a very bad state I recommended the Captain to send him, at once, for medical treatment. - The Captain himself has a cut on the bridge of the nose, and the Steward and a young lad had also received slight wounds on the head.

Signed, J. H. Street Lieut.  
3rd Regt Buffs

Macao Fort.

February 25<sup>th</sup> 1861.

Copy No 5

U. S. Consulate Canton  
March 2<sup>d</sup> 1861.

Sir,

I have to thank you for the promptness with which you, upon hearing of the revolt of the Chinese Emigrants on board the American Ship "Leonidas" on Sunday morning last, whilst at anchor in the Macao Passage sent to her assistance three armed boats and ordered the Gun-boat "Heasel" under your command, to immediately get up steam and proceed to the "Leonidas" and finally tow her to an anchorage near Canton where further assistance if needed, could be immediately obtained.

I should be much obliged if you would present my compliments to Surgeon Percell, who accompanied you on board & thank him for the medical services he rendered to the Captain & others, Officers & Crew, on board the "Leonidas", who were some of them very badly wounded.

I shall make it a point to bring to the notice of H. C. by the American Minister the services rendered by yourself & Surgeon Percell on the occasion above referred to.

I have the honor to be  
(Sgd) Oliver H. Perry  
U. S. Consul

Lieut Commr. Howarth.

Comdr H. B. M. S. boat "Heasel,"





Copy No 6.

U. S. Consulate Canton  
March 2<sup>d</sup> 1861.

Sir,

I am in receipt of your communication of the 25<sup>th</sup> ulto inclosing an interesting statement of what took place on board the American Ship "Sonoras" on Sunday last, for which I think you have also to thank you for the very prompt and efficient aid which you rendered to the Captain & Officers of that ship and also for the kindness and attention which you rendered to the wounded.

I shall not fail to bring to the notice of H. Ex<sup>y</sup> the American Minister the services which you rendered on the occasion above referred to.

I have the honor to be  
(Sgd) Oliver H. Perry.  
U. S. Consul

Lieut J. R. Strutt  
3<sup>d</sup> Regt B. N. I.  
Commandy Macao Fort.



11/10/10

Mr. J. H. ...

10

I have the honor to acknowledge the receipt of your letter of the 10th inst. in relation to the above named matter. I have the honor to inform you that the same has been forwarded to the proper authorities for their consideration. I am, Sir, very respectfully,  
 Yours, very truly,  
 J. B. Thompson

No 7.

Copy

N. M. Gumbat "Weazel"  
Canton March 2<sup>d</sup> 1861

Sir

I have the honor to acknowledge  
the receipt of your letter of today  
date, thanking me for the ser-  
vices rendered by St M. Gumbat  
under my command.

I have complied with your re-  
quest regarding Mr Orrell.

I have the honor to remain Sir  
your most Obedt Servt.

(ss) William Norroth

Lieut & Commr

To O. H. Perry.  
U. S. Consul  
Canton

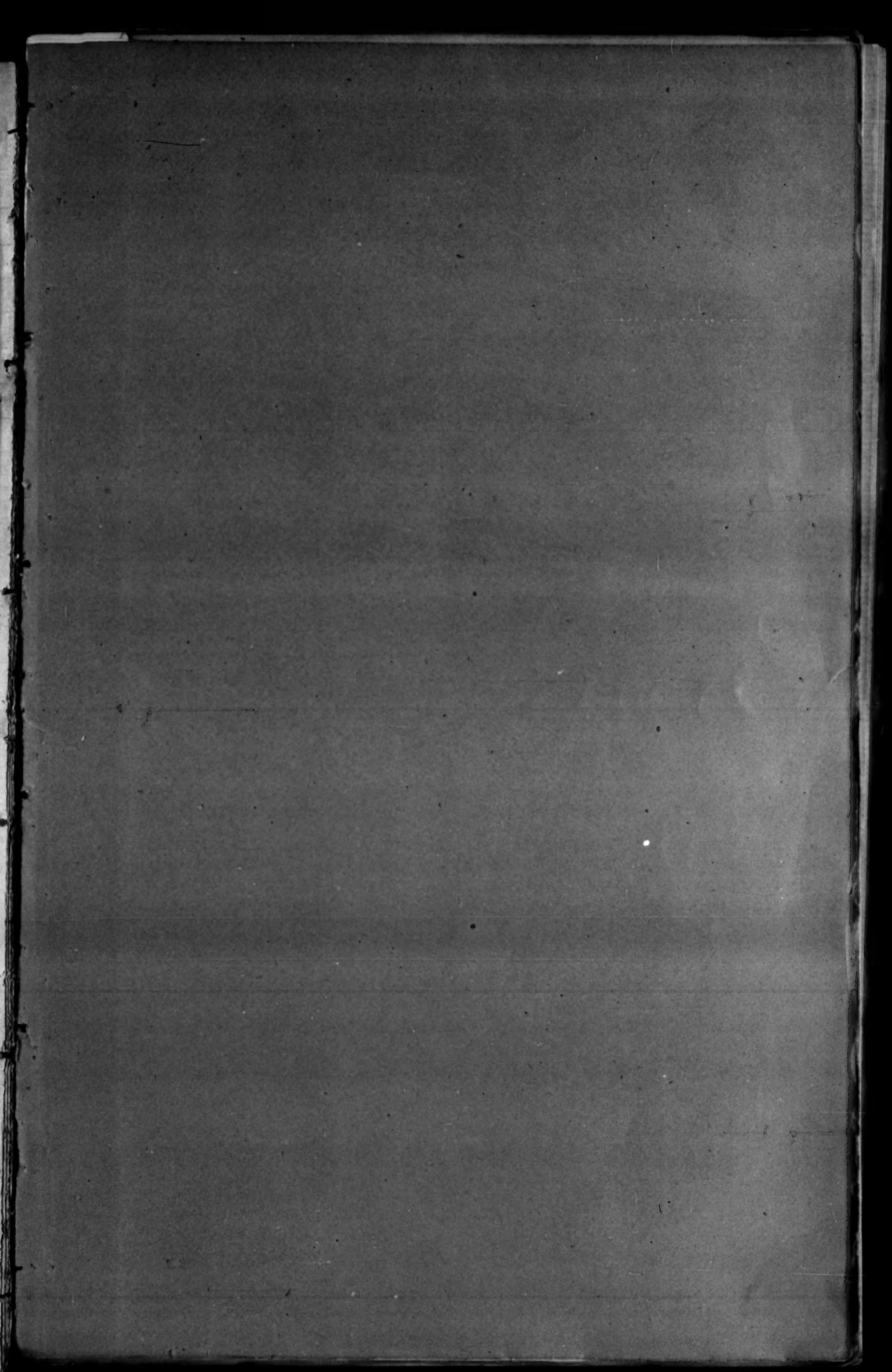
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North of Berlin

July 24<sup>th</sup> 1861

American Shells  
"Goniadas"







Recd. 6<sup>th</sup> June

No 8

Legation of the United States  
U. S. Flag Ship Hartford  
Hong Kong March 27<sup>th</sup> 1861

Sir,

I have the honor to enclose  
herewith, the "Provisional  
regulations for British trade  
in the Yangtze river."

I informed the Department  
in my No 5, February 8<sup>th</sup> of the  
expedition of Admiral Sir  
James Hope, to open the  
Yangtze, these "Provisional  
regulations" are the result of  
that expedition. The impor-  
tance of the trade upon the  
Yangtze, has already induced  
some of our Merchants to  
send vessels up the river,  
but

Honorable

L. S. Black  
Secretary of State  
Washington



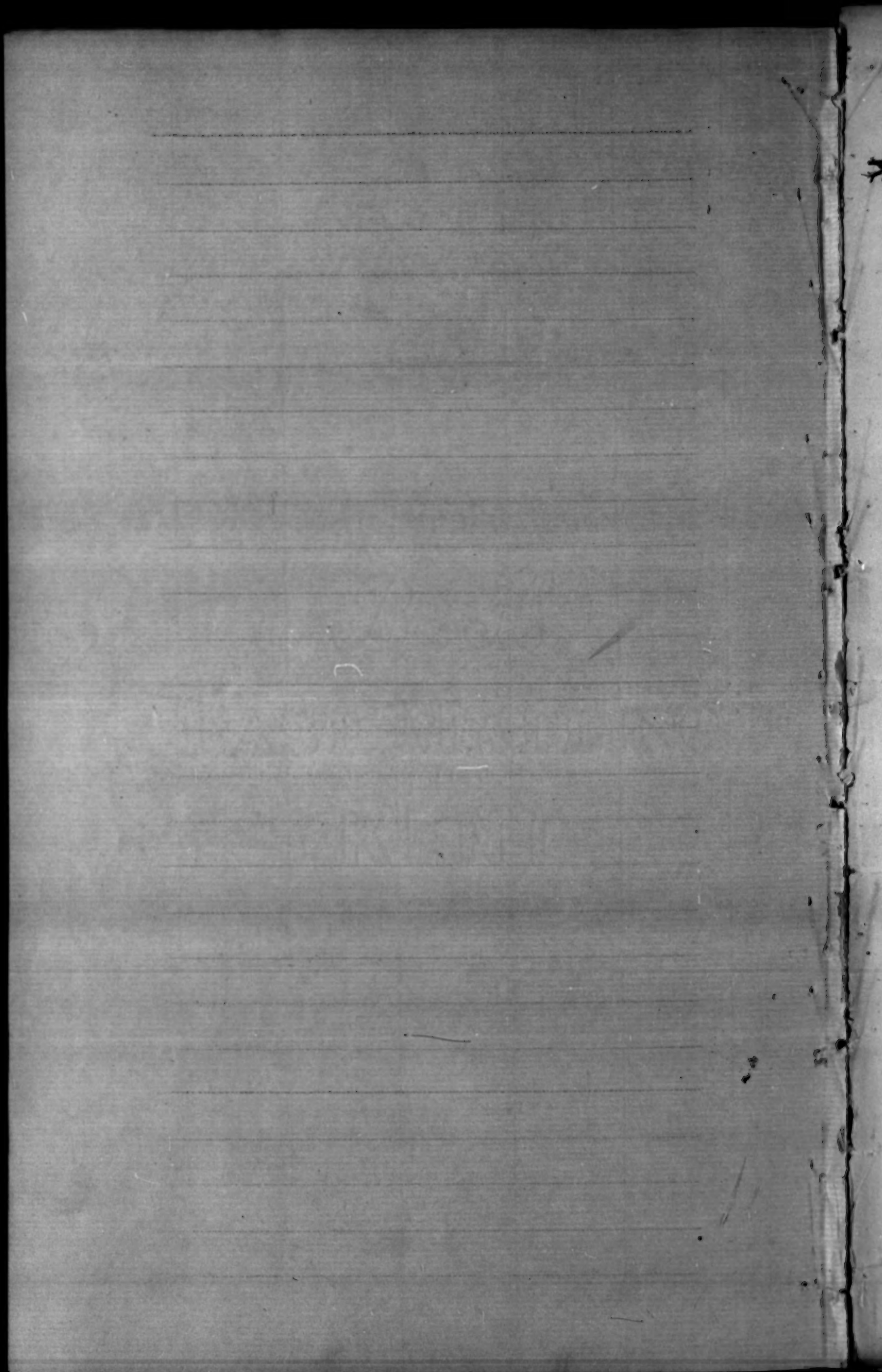
but they do it at considerable risk, as we have had no understanding with the Insurgent Chiefs, or presented any terms to our Countrymen in going up or down the river as are provided in the "Provisional regulations."

I have instructed Mr. Consul Smith, to issue passes to ships wishing to trade upon the river, after they have cleared at the Custom House, and paid all the legal dues at it, and also a recommendation to the Insurgents to permit American ships to pass up and down the river without hindrance. Enclose a copy of my instructions to Mr. Smith. Considering the importance of having some understanding with the Insurgents, I propose to go up the river much sooner.

I have I intended when I  
wrote my No. 5 to the Department.  
My object will be to come to  
an understanding with the  
Insurgent Chiefs, and to induce  
them not to interfere with  
American Ships or Commerce  
up the river. As the Import  
duties upon goods taken up the  
river, are the same at Shanghai,  
there will not I apprehend,  
be any serious difficulty in  
making an arrangement with  
the Imperial Government,  
similar to that made with  
the British Authorities.

I am Sir  
Respectfully  
Your Obedt. Servant  
C. R. Stirling  
Flag Officer  
Charge d' Affaires  
ad interim





# North-China Herald Extraordinary.

SHANGHAI, 18TH MARCH, 1861.



**OFFICIAL NOTIFICATION.**—It is hereby notified that until further orders, the *North-China Herald* is to be considered the Official Organ of all Notifications proceeding from Her Majesty's Legation and Superintendency of Trade in China.

H. M.'s Legation, Shanghai, 22nd June, 1860.

E. ST. JOHN NEALE,  
*Secretary of Legation.*

## BRITISH CONSULAR NOTIFICATION.

The undersigned, Her Britannic Majesty's Consul, has received a despatch from Harry S. Parkes, Esq., C.B., &c., &c., enclosing for publication the subjoined Notification, and requesting him to give effect to the Provisional Regulations which form one of its annexes. The undersigned accordingly hereby gives notice that, pending instructions from Her Majesty's Envoy Extraordinary and Chief Superintendent of Trade, he is prepared, in so far as the action of this Consulate is concerned, to give full effect to the "Provisional Regulations for British Trade on the Yang-tze River" which are now made public.

THOS. TAYLOR MEADOWS,  
*H. B. M.'s Consul.*

British Consulate, Shanghai, 18th March, 1861.

## NOTIFICATION.

REFERRING to the Notification of His Excellency the Earl of Elgin and Kincardine, K.T.G.C.B., &c., &c., dated, Hongkong, Jan'y. 20th, 1861, informing Her Majesty's subjects in China, of the measures then being taken to give effect to the arrangement concluded between Her Majesty's Plenipotentiary and the Imperial Commissioner, for opening the Yangtsze river to British trade, the undersigned is now authorized by His Excellency the Naval Commander-in-chief to declare the river, above Chinkiang and as far as Hankow, to be open in accordance with that arrangement, to British vessels, under the accompanying Regulations; which are provisional until they have received the sanction of His Excellency the Honorable Mr. Bruce, C.B., and the Peking Government.

His Excellency, the Naval Commander-in-chief, has furnished the undersigned, for the information of Her Majesty's subjects in China, with the annexed extracts of a communication, made by Commander Aplin of H. M. S. *Centaur* on the 1st inst., to the Insurgent Authorities at Nanking, and of their reply, together with a copy of the Pass to be used by British vessels passing Nanking. It will be observed from this correspondence that the free navigation of the river by British vessels is not to be interfered with by the insurgents, but that all intercourse held with any place in their possession, will be conducted under such conditions as the Insurgent Authorities, with the approval of the Senior Naval Officer, shall think proper to prescribe; and the undersigned is further desired to call attention to that regulation of the Insurgent Authorities, which is concurred in by the Commander-in-chief, requiring merchant vessels not to approach nearer to Nanking at night than the Pingshan Pagoda, nor to enter at any time the Tsauheh Creek.

The positions at present selected for Consular Establishments on the river above Chinkiang are the cities of Hankow and Kiukiang, and His Excellency, the Naval Commander-in-chief has stationed vessels of war at these ports, as well as at Chinkiang and Nanking, for the purpose of protecting British interests, and giving due support to Her Majesty's Consuls in the performance of their duties.

H. M. S. *Coromandel*,

Yang-tze River, March 9th, 1861.

HARRY S. PARKES.

## PROVISIONAL REGULATIONS FOR BRITISH TRADE IN THE YANG-TSZE RIVER.

ART. I.—Every British vessel wishing to proceed up the Yang-tze River beyond Chinkiang, must apply to the British Consul at Shanghai for a Pass, to be called the "River Pass," authorizing the vessel to trade as high as Hankow, which will be issued by the Shanghai Customs, and only by the Customs at that Port, on the application of the Consul, as soon as the Customs are satisfied that all the dues and duties due upon the vessel and her cargo have been paid. The Consul will deliver the River Pass to the vessel, and will retain in his hands her Register or Sailing Letter, and on the return of the vessel to Shanghai, the River Pass must be surrendered to the Consul, and returned to the Customs.



ART. II.—Every vessel proceeding up or down the River, shall be permitted to carry for her protection, such an amount of Arms and Ammunition as shall appear to the Customs at Shanghai to be reasonable, and this amount of Arms and Ammunition shall be entered in a certificate to be called the "Arms Certificate," which shall be delivered by the Customs, through the Consul, to any vessel applying for the same; and the said vessel shall be bound to bring back to Shanghai all the Arms and Ammunition she is thus authorised to carry, or, if she have expended any portion of them during her voyage up or down the River, then to account for the manner in which such portion has been expended. Any vessel returning to Shanghai without any portion of the Arms or Ammunition stated in her Arms Certificate, and being unable to account satisfactorily for such missing portion; or being discovered trafficking in Arms, Munitions or Implements of war, at any Port or place in the River, or carrying any Arms or Munitions in excess of the amount stated in her Arms Certificate, is liable to have her River Pass withdrawn, and to be prohibited from trading upon the River.

ART. III.—The Shanghai Customs may, if they see fit, appoint one or two of their officers to accompany the vessel as far as Chinkiang, and the master of the vessel is bound to receive these officers on board, and to provide them suitable accommodation, but not their food or expenses. Trading of any kind between Shanghai and Chinkiang, being an infraction of the XLVII Article of the Treaty of Tien-tsin, may be punished as is therein provided.

ART. IV.—No vessel is allowed to pass Chinkiang without anchoring, and being reported to the British Consul and the Customs at that Port. The master, on arriving at Chinkiang, must deliver to the Consul his River Pass, Arms Certificate, Shanghai Port Clearance, and a list of all Passengers and persons not forming part of the registered crew on board; and if he wish to proceed up the River immediately, the Consul will forward all the papers above named to the Customs, who may board and inspect the vessel, and if the Customs have no claim upon the vessel, or there be no cause for her detention, they will at once grant a new Port Clearance, and give this, together with the River Pass and Arms Certificate to the master, who will then be at liberty to continue his voyage. But if the stay of a vessel at Chinkiang exceed twenty-four hours, she must be reported within that time to the British Consul, and by the Consul to the Customs, in the manner provided in the XXXVII Article of the Treaty of Tientsin, and a manifest of her cargo and a copy of her passenger list furnished to the Consul; and if she land any portion of her cargo, or take on board any cargo, she must do so in the manner provided in the said Treaty; and the Consul will retain in his possession her River Pass and Arms Certificate, until she receives her Port Clearance from the Custom House, and is again ready to depart. Any British vessel proceeding up the River above Chinkiang without a River Pass, Arms Certificate, and Chinkiang Port Clearance, duly obtained as provided in these Regulations, commits infringement of the XLVII Article of the Treaty of Tien-tsin, and is liable to the penalty therein provided.

ART. V.—Every vessel must be reported to the British Consul at Kiukiang and Hankow, within twenty-four hours after her arrival at either of those ports, and the master must lodge in the hands of the Consul the vessel's River Pass, Arms Certificate, and Chinkiang Port Clearance, and must deliver to the Consul a manifest of her inward cargo, and a list of all passengers and persons not forming part of the registered crew on board; and the Consul will retain in his possession the River Pass, Arms Certificate, and Chinkiang Port Clearance, until the vessel is again ready to depart, and until he has received the manifest of her cargo outwards, and a list of all passengers and persons not forming part of her registered crew, and intending to leave the Port in the said vessel; and before returning the said Papers to the master, the Consul will endorse on the Chinkiang Port Clearance, the respective dates on which it was lodged in his hands, and returned to the master. No report however need be made in the case of a vessel passing Kiukiang without anchoring, nor is it requisite that a vessel passing that Port without discharging or taking in cargo, should deliver a manifest to the Consul.

ART. VI.—Every vessel coming down the river must anchor at Chinkiang, and be reported to the Consul, and cleared by the Customs, in the manner provided in the IV Article of these Regulations; and the Customs may, if they see fit, appoint one or two of their Officers to accompany the vessel to the Port of Shanghai, where the vessel is bound to proceed, without touching at any other port or place, and these Customs officers must be received on board, and treated in the manner provided in the II Article of these Regulations.

ART. VII.—The Payment of all Import and Export duties due by all British vessels, duly authorised to trade on the River above Chinkiang, being secured to the Chinese government by Articles I, IV, and VI of these Regulations, Articles XXXVIII, XXXIX, XL, and XLI of the Treaty of Tien-tsin, will not apply to such vessels, after they have passed Chinkiang inwards, and any vessel so authorized may therefore discharge or load legal merchandise, at ports or places on the river above Chinkiang, without being required to obtain Custom-house permits, or to pay Export duties until the vessel returns to Chinkiang.

ART. VIII.—The Manifests of Cargo that are to be delivered to Her Majesty's Consuls at the various Ports, as provided in these Regulations, must be made out in the form of a summary, stating the quantity of each description of goods on board, either in dimensions, weight, or value as the case may be.

ART. IX.—The breach of any of these Regulations may be punished by the withdrawal from a vessel of her River Pass, and by prohibiting her from further trading on the river, and if this penalty be awarded when on the river, she may be sent or taken to Shanghai, and also, and in addition to the preceding penalty, by any other pains or penalties that be incurred by the same offence for a breach of Treaty. And it shall be competent for any of Her Majesty's Consuls, to detain any vessel trading on the river under these Regulations, against which any other complaint or claim may at any time be laid, until the same shall have been heard and determined by the Consul, and his judgment carried into execution.

ART. X.—These Regulations may at any time be suspended or annulled, added to or amended, and, in whatever way, may be judged expedient by H. B. Majesty's Minister Plenipotentiary in China, and the High Chinese authorities in communication together.

HARRY S. PARKES.

*Extracts of a communication made by Commander Aplin of Her Majesty's Ship "Centaur," Senior Officer in the Yangtze River, to the Taeping Authorities at Nanking, on the 1st March, 1861, by Order of Vice-Admiral Sir James Hope, K.C.B., Commander-in-chief; and of the reply of the Taeping Authorities thereto.*

(Signed) J. W. M. ASHBY, Secretary.

"I am directed by the Commander-in-chief of the Naval Forces of Her Majesty the Queen of England, in China, to acquaint you:—

That by the recent arrangements at Peking, the right has been conceded to British Ships, of navigating the River Yangtze for the purpose of Trade, immediately, and that he has stationed me with the *Centaur* at Nanking, in order that they may exercise that right, with entire freedom to themselves, and without molestation to others.

That in order to effect this object, every British Vessel passing Nankin will communicate with, and receive a pass from me; a copy of which will be sent, for your information, to whomsoever you may think proper to name for the purpose, and the Commander-in-chief expects you will order all persons acting under your authority, to be instructed duly to respect my passes, and not to interfere with the Vessels carrying them.

That in the passes the Vessel will be fully described, the Master will be directed invariably to carry his Flag, and not to use his Guns, or other Arms, except in self defence; and will be duly informed of the regulations under which he may go ashore, or conduct Trade at the several places in your possession.

That the Commander-in-chief has seen the letter written by Mung, Prince of T'an, and Lin, Princes of Chang; and that the request contained therein—that all persons wishing to enter the City from British Ships shall receive directions to give notice of the same to the Superintendent of Customs, and that no person shall visit your armed encampments;—shall be duly attended to.

That the Commander-in-chief further expects, that if your Forces attack and take either of the following places, viz:—Chinkiang, Kiukiang, Hankow, or any others in the River at which British subjects may be settled or trading, all such British subjects will be unmolested both in their persons and property: that on the other hand the Commanders of the Vessels of War stationed there, will receive directions in no way whatever to interfere in the hostilities which may be going on, except for the purpose of protecting their countrymen, should it be necessary to do so.

That if British subjects commit any offence on shore, they are not to be punished by the Taeping Authorities, but are to be made Prisoners, and sent on board the *Centaur*, with a full statement of the offence they have committed, which shall be duly dealt with according to British Law. Should a Chinese of the Taepings commit an offence on board any British Ship, he will in the same manner be sent to the authorities on shore for punishment.

I am directed distinctly to acquaint you, that I am in no degree responsible for the conduct of any other Vessels, except those which are British, and that as far as I am concerned, you can deal with all others in any way you may think proper."

#### *Reply of Taeping Authorities.*

"They agree unreservedly to all the conditions of the above communication.

In the event of their attacking Chinkiang, Kiukiang, or Hankow, they will give previous notice to the British Authorities if possible.

British Vessels coming to Nanking, should not approach nearer than the Ping-shan Pagoda at night; and the Tsaouhea Creek can only be used by Vessels of War."

(Signed) J. W. M. ASHBY, Secretary.

#### *Form of Pass.*

PASS granted to Mr. (A.B.) Master of the British (*Steamer or Vessel C. D. Barque*) Rigged (340) Tons Burthen (2) Guns—No. of her Crew (20.)

1.—Your Vessel is permitted to Navigate the River for the purposes of Trade, and on presenting this Pass to any of the Taeping authorities you will not be interfered with by them.

2.—You are permitted to hold intercourse with the shore, or to trade only under such regulations as their authorities shall think proper to prescribe, subject to my approval, and wherever a British Vessel of War is stationed, you are not to communicate with the shore except with the sanction of her Commander.

3.—You are to be careful that your English Red Ensign is hoisted always.

4.—You are not to use your Guns or Arms except in self defence, for which I shall hold you personally responsible, and you are not to visit any armed encampment of the Taepings.

5.—You are to be careful that when the shore is visited, either by yourself, your officers or crew, such conduct is observed as will avoid giving offence to the inhabitants.

Signed (E. F.)  
Senior Naval Officer at Nanking.

H. M. S. \_\_\_\_\_, at Nanking, \_\_\_\_\_, 1861.



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Published Weekly  
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Per to James M. Smith

Legation of the United States  
U. S. Flag Ship Hartford  
Hong Kong March 28<sup>th</sup> 1861

Sir

I perceive by a "Notification"  
signed by Harry S. Parks,  
Esquire C. C. on the 9<sup>th</sup> instant  
that a provisional arrangement  
has been made for opening the  
Yangtze river to British trade.  
Our Countrymen will no doubt  
be disposed to engage in trade  
up the river immediately; and  
as the "Provisional regulations"  
made by the Authority of Sir James  
Hosce R. C. C. cannot be applied  
to American vessels, or citizens  
of the United States; you are  
hereby authorized to give passes  
for

W. L. G. Smith Esquire  
United States Consul  
Shanghai.



To vessels wishing to trade  
upon the river; the passes may  
be as nearly conformable to  
"Consular passports" as the case  
admits of; specifying the  
description of vessel. Master's  
name; number of crew. number  
and description of arms, and  
quantity of Ammunition. and to  
conform in all respects to the treaty  
stipulations as to contraband articles  
of war. trading at ports not opened  
by treaty. to trade commerce &c.,  
These passes should be written in  
(Chinese and English, You will aid  
and assist our Countrymen,  
Merchants or others, in procuring  
permits at the Custom House  
(after paying duties upon goods  
and all legal charges) to authorize  
their visits to trade upon the river,  
upon the same condition prescribed  
for the British or most favored  
nation. You will also issue a pass

in English and Chinese, recom-  
mending the bearer to the kind-  
ness of the Insurgent Chiefs,  
where they have Command of the  
river, as the vessel passes up or  
down, engaged in lawful trade,  
in it you will caution the Master  
and all others on board, not to  
interfere with the Insurgents  
in their war upon the Imperial  
authorities, or in any way to com-  
promise the United States, by  
aiding or assisting either party.  
The present is only a temporary  
arrangement, and may be altered  
or abrogated at any time.

I hope soon to be at Shanghai and  
to be able to come to some definite  
agreement with the Imperial Auth-  
orities and the Insurgent Chiefs  
as to the trade upon the Yangtze,  
by Citizens of the United States.

I am Sir, respectfully,

Your Obedt. Servant

(Signed) C. H. Stuebeling

Flag Officer, Charge d'Affaires  
ad interim





V. Re H. July Mr. Derrick

No 9

Legation of the United States  
U. S. Flag Ship Hartford  
Shanghai April 22 1861.

Sir.

I enclose herewith a  
copy of a letter addressed by  
me to Mr William Bueck W.  
S. Consul at Swatow. My  
decision in the case (which  
was referred to me by Mr Bueck  
and Dr Fish.) will I hope be  
approved by the Department.  
I should not have interfered  
if they had not referred the  
case to me to decide between  
them.

There will not perhaps be a  
better time than the present,  
for expressing my views upon  
the subject of the connection  
of

Honorable

Secretary of State  
Washington



of the Minister to China,  
with the Consuls resident at  
the different ports, and I do  
it the more readily, as I am  
only temporarily performing  
the duties of Charge d' Affaires,  
and cannot be supposed to  
have any private feelings or  
views in relation to it.

In a country so remote as  
China, many months often  
elapse before a decision can be  
had in any case referred to the  
Department, by the Minister or  
other public functionary. This  
delay is frequently attended with  
serious injury to the public service.  
As a means of lessening this evil,  
I would respectfully recommend,  
that the Minister should have  
a control in all official matters  
over the Consuls; all their reports  
should be forwarded to him,  
with such remarks upon them,  
as he might deem proper. And

he should have full power to  
suspend any consul, and appoint  
some one to act as consul, until  
the orders of the Department  
could be had, upon the report  
of the case made by the Minister.  
I know that consuls consider  
themselves to a great extent  
independent of the Minister,  
and in consequence of this sup-  
posed independence are tempted  
to acts not authorized; believing  
that there is no control over  
them; and if they should be reported  
by private persons, the forms of  
the Department, and the neces-  
sary delay of waiting for answers  
and replies, is in some cases,  
equal to a refusal of redress.

I am Sir respectfully  
Your Obedt Servant

C. E. Shilling  
Flag Officer  
Chargé d'Affaires ad interim



13

Legation of the United States  
U. S. Flag Ship Hartford  
Shanghai April 20<sup>th</sup> 1861

Sir

I have received the correspondence between Doctor Fish and yourself, in relation to the Ningpo Consulate, and regret the matter could not be settled without referring it to me; but as you and Doctor Fish, have agreed to leave it to my decision, I have carefully considered the subject and now give you my opinion and decision.

I am of opinion, that if the Department of State had been in possession of Doctor Fish's appointment by M<sup>r</sup> Ward

William Buck Esq<sup>r</sup>  
United States Consul  
Swatow



the order to you dated 12<sup>th</sup> of  
December, should not have been  
given; as it was founded upon  
the report of Doct<sup>r</sup> Briggs  
intended resignation on the 1<sup>st</sup>  
of October, and of his inability  
to procure a competent person  
to appoint Vice Consul.

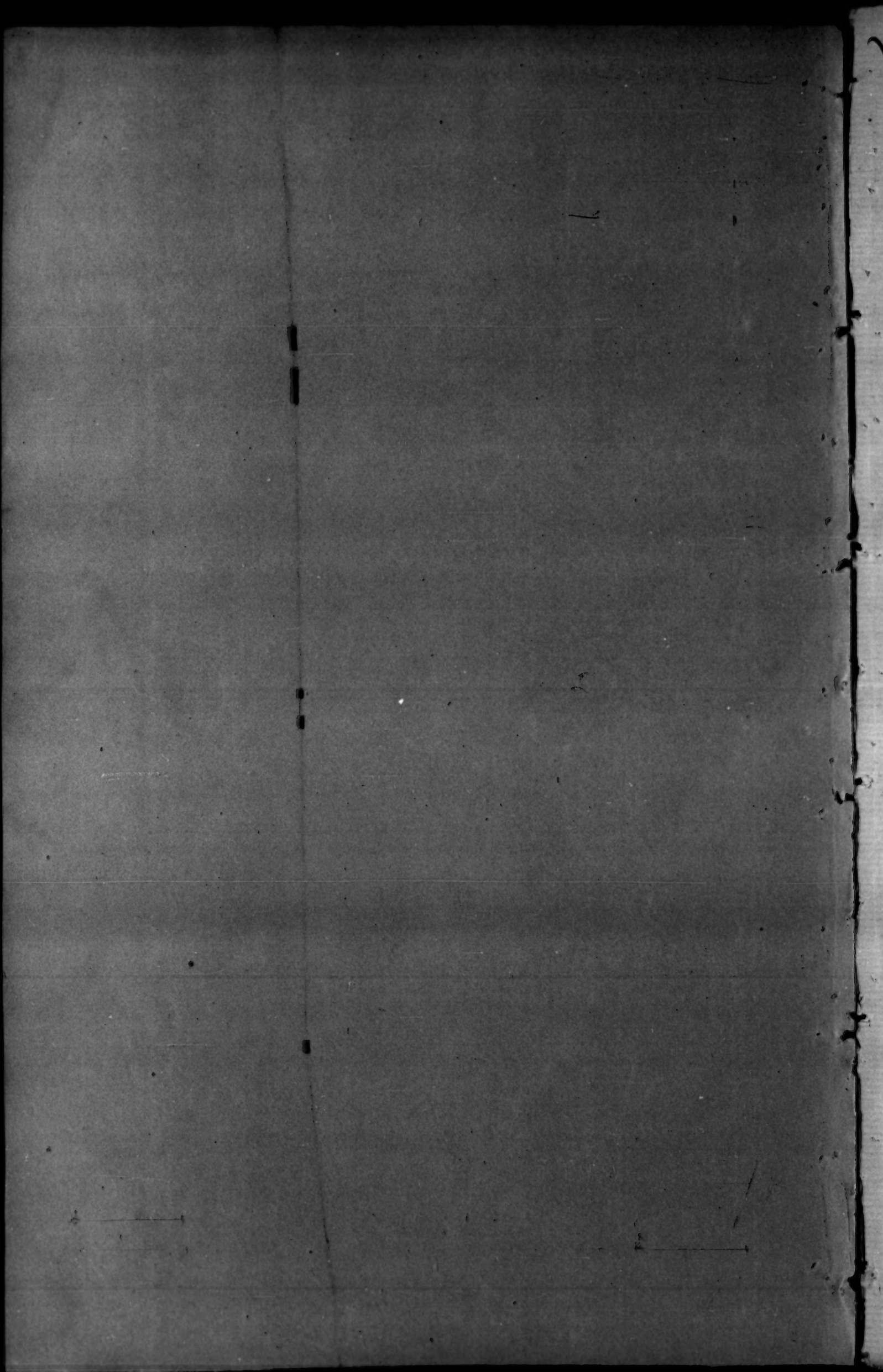
As Mr Ward appointed D<sup>r</sup> Fish  
on the 1<sup>st</sup> of October, and your  
order from the Department  
is dated December the 12<sup>th</sup> time  
enough had not elapsed, for  
its reception, at Washington,  
when the order to you was  
written. Believing that the  
Department of State in this  
case, did not intend to remove  
a respectable Gentleman, who  
was regularly appointed by  
Mr Ward, but simply to  
supply a supposed Vacancy,  
and to prevent the inconvenience  
of having a consulate at one

of the open ports, closed.  
I cannot therefore under  
the circumstances, but decide  
that Doctor Fish should be  
allowed to retain possession  
of the Office of Consul at Ningpo,  
until the further orders of the  
State Department can be  
received.

I shall report the case  
to the Department of State,  
by the next mail.

Very respectfully  
Your Obedt. Servant  
J. S. Fish  
Flag Officer  
chargé d'Affaires ad interim





V No 10 Recd H. Aug. Mr Smith

Legation of the United States  
U. S. Flag Ship Hartford  
Shanghai May 28<sup>th</sup> 1861

Sir.  
I informed the Department,  
in my number 8 of my intended  
visit up the Yangtze and of the  
objects I proposed in visiting Nan-  
king, and other cities on the river.  
I have now the honor to report the  
result of my visit.

The first object I had in  
view, was to come to some understand-  
ing with the Taiping authorities,  
at Nanjing. Upon my arrival there,  
I obtained permission to send a  
party into the city to wait upon  
the authorities. The party consisted  
of Captain Saunders Dr. McCarrie,  
acting Interpreter, Lieut. Law,  
Paymaster Gibson, and Captain  
Sauland of the Marines. They were  
received with every mark of respect,  
and were entertained by the Minister  
of State. The object of the visit was  
explained, and the enclosed paper,  
marked No 1. was submitted to  
the

Honorable  
W. H. Seward  
Secretary of State  
Washington



the Minister and Council of State, after discussing the different points, they were all agreed to, with some slight verbal alterations. The enclosed paper marked N<sup>o</sup> 2, is the formal answer to the points submitted for their acceptance. N<sup>o</sup> 3, is D<sup>r</sup> M. Castus account of the visit to the City and interview with the Ministers of the Taijings. On Monday the 6<sup>th</sup> instant, Moh, one of the Chief Officers of the Taijings came on board to see me, and bring the answer to my propositions; the different points were again discussed, and agreed to. Moh, then proposed to take the paper on shore, and have it copied correctly, and sealed, and then sent to me. This paper I did not receive until my return from Hankow.

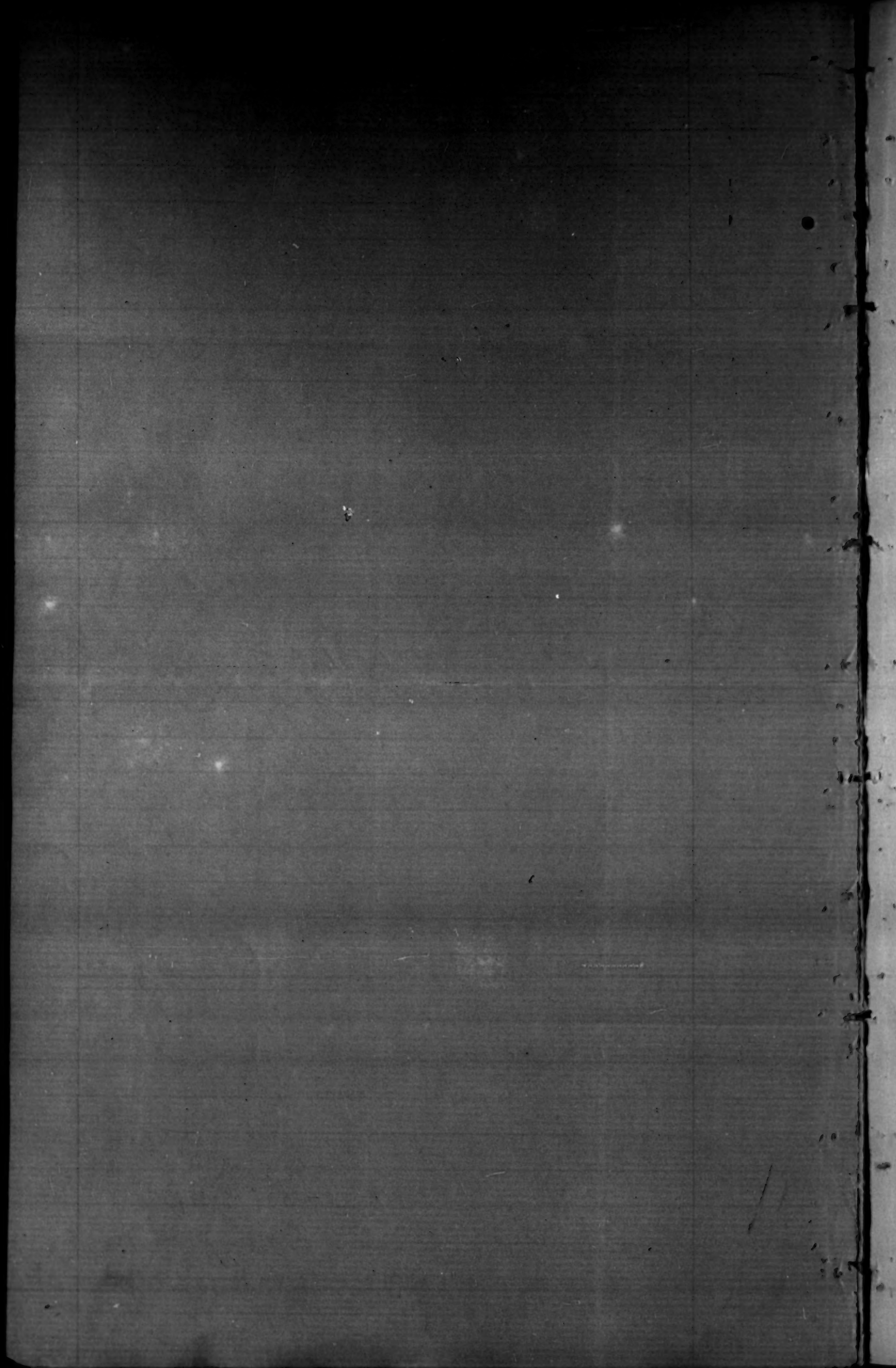
We left Hankow on the 7<sup>th</sup> instant, about a hundred miles above that place, I left the Hartford, and proceeded up the river with the Saginaw and Daetah, and arrived at Hankow on the 11<sup>th</sup>. On the 13<sup>th</sup>, I had an interview with the Viceroi of the Province of Hukwang. I stated the object of my visit, and expressed the hope, that my countrymen would meet with protection of person and property, as required by treaty stipulations &c. The Vice Roy expressed

expressed his anxious desire to protect all foreigners visiting Hankow, or doing business there, and promised to interfere if necessary, to enable citizens of the United States to obtain go downs, or lots to build upon. On my return down the river, the Tontao of Hieu Kiang came on board to see me, and made the same promises in relation to American citizens obtaining land to build upon at that place.

I am satisfied that our visit to the Yangtze was well timed, and its effects beneficial. The flag of the United States has been displayed, where never before seen, on board National Vessels, at Hankow, and Sak Chew, on Lake Song Sing, eight hundred miles from the sea, or mouth of the Yangtze-Kiang. By this display of force, the authorities, whether Imperial or Insurgents have seen that we have a force for the protection of our countrymen upon the river, as well as elsewhere.

I am Sir, respectfully  
Your Obedt Servant  
C. R. Thibling  
Flag Officer  
Chargé d'Affaires ad interim





# Report of a visit to the Taping Authorities at Hankow

We left the Flagship in Captain Loundes' gig, at 8<sup>1/2</sup> AM. The party consisted of Captain Loundes, Purser Sisson, Captain Ireland (USM), Lieutenant Laro, and myself. Landing at the gate of the fort at the mouth of the creek, I went in to obtain from Liang, the Taping Commissioner of customs, a passport and guide to take us into the city of Hankow. With these we started, and passing through the creek into the city moat, which seems to be a continuation of it, we rowed for some miles under, though at a short distance from the city walls. Arriving at the Western Hwan gate, we landed, and found a guard station with four bears, and also four saddle horses in waiting. Captain Loundes was accommodated in the Sedan, and the rest of our party rode on horseback. Our guide presented us with the passport, which was duly examined at the gate, and which "requested entrance and exit by the Western Hwan gate, for five foreign gentlemen," who were to proceed to the palace of Peking, and

there



stop; without being allowed to proceed to any other place  
or wander in any other direction. The gateway was some 20 feet  
in height and about 80 or 90 feet in length, resembling in appearance  
a railway tunnel. From the gate to the palace of Tsenwang  
was about a mile and a quarter. The streets for the whole distance  
were a most ruined and desolate appearance. Very few houses  
were standing, and perhaps 9 or 10 men were busy among the  
ruins, excavating building materials. Excepting one provision  
store, near the gate, I do not remember to have seen a store  
or shop of any kind in the city. Arriving at the gate of  
Tsenwang's palace, we dismounted, and were led through  
various chambers and passages, until we arrived at the  
hall where the Council of State, consisting of Tsenwang's  
son acting as president, his father being ill, and seven  
or eight others, was in session. Tsenwang Jr. is an  
intelligent looking young man, about 24 years of age, but  
of an exceedingly nervous temperament. Mokuwang, the  
5<sup>th</sup> councillor, a man about 50 years old, seemed to be the most  
flam.

fluent speaker and took a prominent part in the discussions.  
After tea and betelnut had been handed round, I stated  
to the President, that I had come by order of Flag Officer  
Killing U.S.N. to submit to the Taping authorities, for their  
consideration, certain points having reference to the protection  
of American citizens and their property in places which might come  
into the possession of the Taipings; a copy of which drawn up in  
Chinese, I handed to him. Quite a discussion took place among  
the members of the Council, over this paper; during which, the  
President called me forward and inquired if I was a Chinese or  
a foreigner; and whether I could read the Chinese written  
language. These questions being answered, he requested me to  
read and give him my understanding of the sense of  
several points. To most of them the Council at once  
assented; but with reference to two or three, they suggested  
certain verbal alterations. To these after consultation with  
Capt. Swindell, I consented; as the alterations seemed unimportant.  
I was then invited to dine; our party sitting at the table with  
the

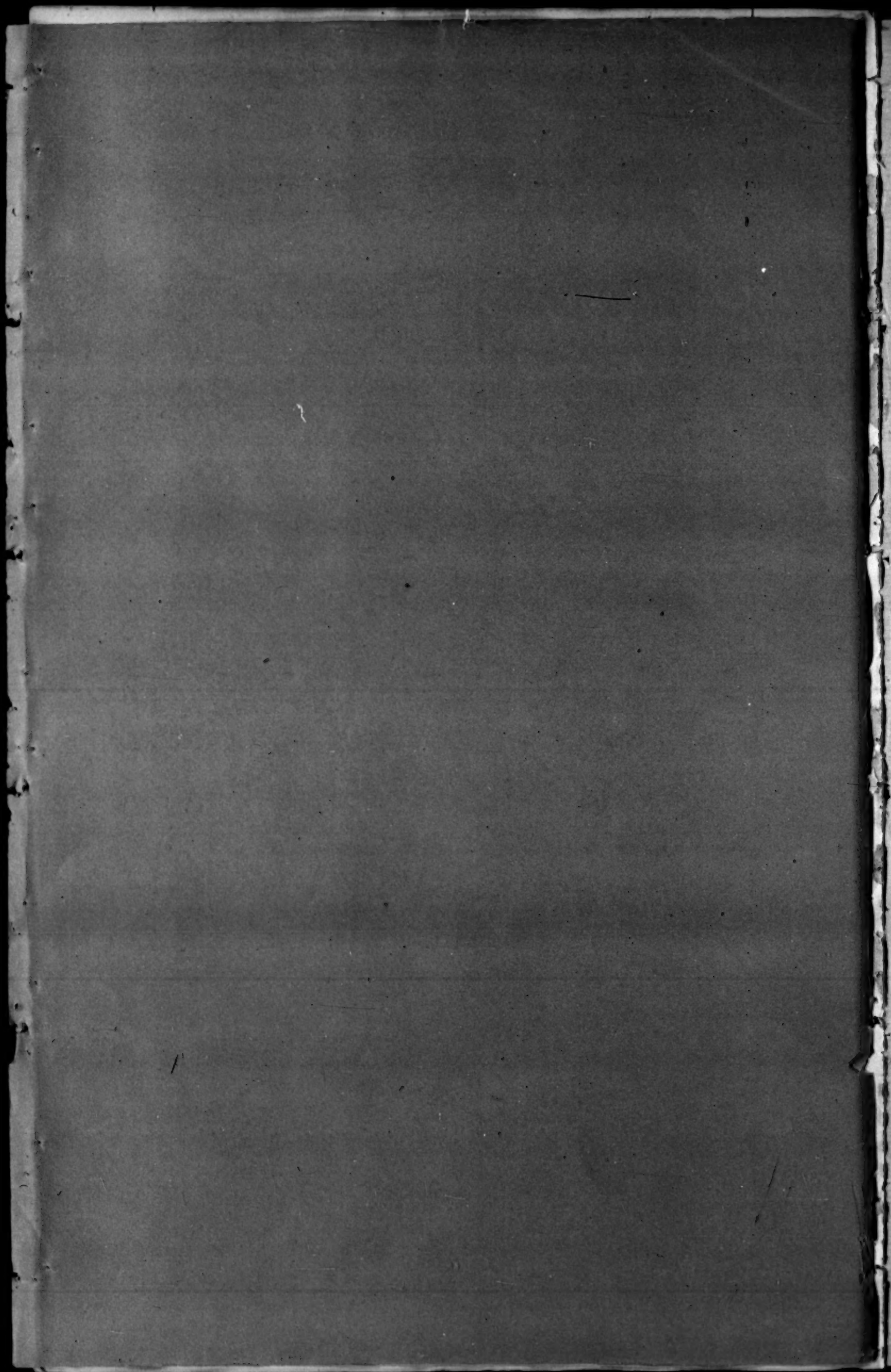


President, the other members of the Council, sitting by themselves at a separate table, the President asked a blessing, in a low tone of voice, and then invited us to commence. Some or other liquor was brought on the table; and the dishes were really cooked and palatable, although by no means as numerous as at dinners to which I have been invited by the Imperialist Mandarin's. After dinner it was agreed that Mo-hwang, the 3<sup>rd</sup> Councillor, should visit the Flagship on Monday, bringing a document under seal, guaranteeing the points proposed; and I was requested to come on shore for him, on that day at 11 AM, in one of our boats. We then took leave of our hosts, and passing out of the Western Kan gate, entered our boats and reached the Flagship about 4 1/2 PM. The palace of Ernanwang was new and very handsomely adorned; and was indeed the only really good looking building we saw, in passing through the city. The members of the Council of State reminded us of a little group of village worthies, but did not impress us as possessing much dignity or ability, and their literary acquirements were evidently of exceeding moderate pretensions.

signed, D. B. Macaulay.







Sp. 1~

Points to be submitted to the  
Tai-ping Authorities at Nansting  
for their acceptance. ~

By recent arrangements  
at Peking, the right has been conceded  
to British Ships of Navigating the  
river Yangtze for the purpose of  
trade, immediately. By the Treaty  
negotiated by the United States at Peking,  
this right at once inures to the benefit  
of citizens of the United States who desire  
to trade upon the Yangtze river.  
It is not the policy or practice of the  
United States to station men of war  
at particular points for the purpose  
of superintending the trade carried on  
by its citizens.

The Consul of the United States  
at Shanghai will issue passes to all  
Vessels authorized to trade upon the  
Yangtze, directing them to exhibit these  
passes to the Superintendent of Customs  
at Nansting, or any person authorized  
to attend to the business of foreigners.

In the event of the Tai-ping's  
taking any place where American  
citizens are engaged in trade, they  
are expected to protect such persons,  
their property, and those in their  
employment, and permit them to  
continue



continue their business, or to leave the place with their property, and persons in their employment; if they think proper to do so. In like manner if there should be any American citizens in such places, teachers of religion, they are to be protected, together with those under instruction in their schools, as well as their chapels, Hospitals, School Houses, and all their property of whatever kind undisturbed as before.

If citizens of the United States commit offences on shore, they are not to be punished, but to be made prisoners, and sent to the nearest consul of the United States, for punishment according to the laws of the United States, and in like manner if any Chinese of the Taipings commit an offence on board an American ship, he shall be delivered up to the authorities for punishment.

The consuls of the United States are authorized to give passports to citizens of the United States, to travel into the interior of the country. If any American citizen should be in the country of the Taiping, it is expected that he will be respected and protected as if the passport were directed to them.

The United States never having interfered in the recent civil  
war

mers of China. have a right to expect  
that the citizens of their country, should  
not be molested, when peaceably pursuing  
their business, but protected by the  
Taiping Authorities.

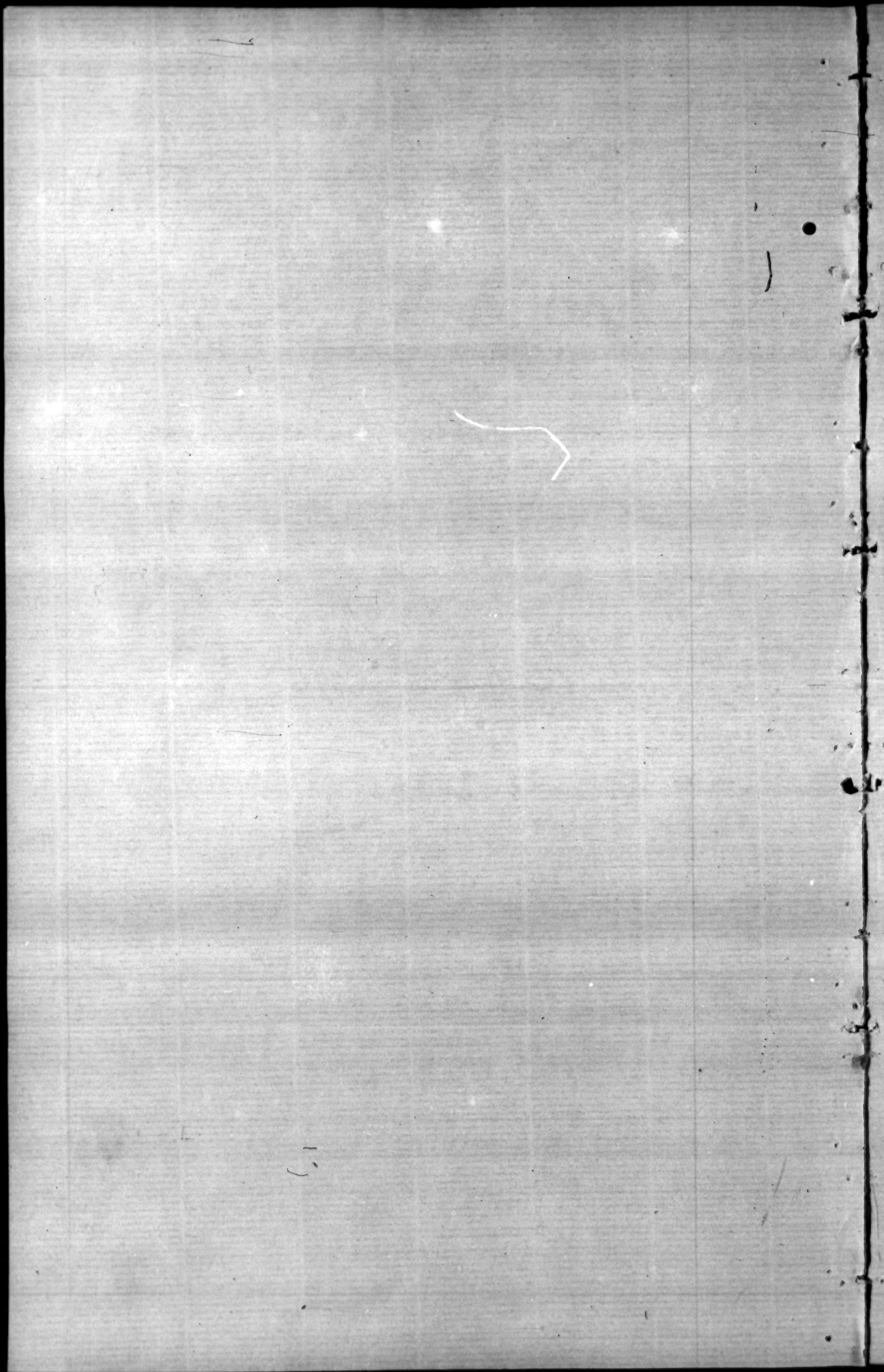
The above points being conceded,  
they shall be promulgated as speedily  
as possible throughout all the possessions  
of the Taipings.

By order of Flag Officer Stirling U.S.N.

(Signed) D.B. McCartee  
(45) Acting Interpreter

Tausting  
May 4<sup>th</sup> 1861





No 2

The Heavenly Father. Heavenly Elder  
Brothers and Heavenly Kings Sipping  
Heavenly Countries Faithful and sincere  
Second and Fifth Heavenly Generals.  
(Holding Command in) the Royal presence.  
Li and Moh present (the following) letter  
to the great American Admiral of the Fish  
Hawk. Secondary. - On a late occasion when  
you honored us with your company, your  
eloquent sentiments uttered in conversation  
gratified our inmost souls. We look up to  
the light of your friendly sentiments,  
and it seems indeed as if we were one  
family. As regards your Honorable Nation  
navigating the Yangtze river for purposes  
of trade, what obstacle could be raised?  
When Merchants Vessels pass, let them  
be examined by the Assistant General  
in charge of the Heavenly Customs  
House, and such as have passports  
from the Consuls of your Honorable  
Country shall be at once allowed to  
pass. but as our Country is at present  
engaged in hostilities with Hienfung,  
it is the cause for that depraved Char-  
acters do not treacherously spy into our  
Military affairs. Should therefore your  
Honorable Countries Merchant Vessels  
be passing (travelling) in the night,  
they must come to anchor off the tower



at the mouth of the Creek on the North  
bank of the Yangtze, and as soon as it  
is daylight after having been examined  
at the Custom House, they will be allowed  
to proceed. Your Honorable Country's  
Soldiers, must not, without they have  
business, land on the shore or amuse  
themselves in our Camps outside the  
city. We would trouble you to commu-  
nicate this to those belonging (to your  
Country) that they may act accordingly.  
If there should be any business pertaining  
to your Honorable Country, upon which  
it is necessary to enter the city, for  
consultation, it will be necessary first  
to communicate with the Assistant  
General in charge of the Heavenly  
Custom House that he may transmit  
information to us so that arrangements  
may be made for a meeting. As to the  
request to protect the citizens of your  
Honorable Country who may be residing  
at any place, engaged in trade together  
with their property, and all citizens  
whatever with their Chapels, school  
houses and the like; we have but  
to say, that our Country is at present  
engaged in hostilities with Hien-fung  
and there are many places of which  
we have not yet been able to obtain  
possession. If your Honorable Country  
should have goods or property accumu-  
lated.

at such places, and our troops should  
avoid and engage in battle with those  
of Heinsung. It would be difficult to  
discriminate under the circumstances,  
and it is therefore difficult for us to permit  
its protection, but when such place has  
been taken by us and brought into quiet  
subjection, we will then consult and  
fit up some arrangement. As  
regards any of your Honorable Country,  
who may be guilty of crime, they shall  
certainly be delivered to (the Officers of)  
your Honorable Country for punishment,  
and should any of our Country men  
commit offences let them be punished  
by us in like manner.

We respectfully accord to  
the stipulations -

Henceforth let the two Countries  
continue in peace and amity, and let  
written communications and messengers  
go and come between with perfect confidence.  
On the part of each, we have already sent  
information to the assistant Generals in  
every direction, that they may conform  
accordingly. If any of our soldiers of  
perverse dispositions should infringe  
these stipulations and create disturbance  
we hope that you will at once hand  
them over for punishment and we will  
by no means spare them or shield them.  
All under Heaven constitute but one



family, and we look upon your  
Honorable Countrymen, just as we do  
upon our own - we pray you to let your  
heart be entirely at rest upon the  
subject - This is our earnest hope.

As we have already communicated these  
stipulations to all the assistant Generals  
that they may know and conform to  
them, it is not necessary to put our  
proclamations for the purpose -  
We respectfully pray you to inspect  
this communication which we offer and  
at the same time wish you happiness  
and prosperity -

12<sup>th</sup> day of the 4<sup>th</sup> Moon of the  
11<sup>th</sup> Year, (viz) Sin - Yin. of the Heavenly  
Father, Heavenly Elder Brothers, and  
Heavenly Kings Tai ping Heavenly  
Country - (May 22<sup>d</sup> A.D. 1861)

A true translation

(Signed) D. B. M. Leartio

Acting Interpreter

U. S. Flag Ship Hartford  
Off Hankow May 24<sup>th</sup> A.D. 1861 -

Re. to Mr. M. Derrick  
No 11

Legation of the United States  
W. B. Flag Ship Hartford  
Shanghai May 31<sup>st</sup> 1861

Sir

Believing that the public interest requires it, I have appointed L. D. Williams Esq<sup>r</sup>, acting Consul at Hankow, until the pleasure of the President is known. Mr Williams has been for several years in business in China; is a Gentleman of high character for integrity, and intelligent, and is well acquainted with consular duties. I deem it fortunate to have secured the services of such a person at this time, for this important port.

Below Hankow, Hiu-Kiang, and Chiu-Kiang, are opened to trade by the British Treaty, and they have Consuls at each, but the prospect of trade at both is bad, none of our countrymen reside at either place, nor is it likely that there will be any for some time to come. I do not think it important that we should have

Honorable

W. H. Seward  
Secretary of State  
Washington

See Correspondence  
L. B. W. C. D. Williams  
Sept 2, 1861



have a Consul at any place on the river at present except Hankow.

Tientsin on the Peiho is now open to trade, and is likely to be a place of considerable commercial importance. It is the seat of Peking, where all the Imperial tribute from the South for the support of the Emperor's household is landed. I think it important that we should have a Consul at it, as our countrymen are already engaged in business there. I shall appoint one as soon as I can find a proper person for the office.

Chefoo, instead of Tang-chow, at the entrance of the Gulf of Petchili will become a place of some importance, as it is one of the richest grain countries of China. Kieu-chong, in the Gulf of Leotong, may also become a place of considerable trade.

Tientsin, Chefoo, and Kieu-chong, can only be commercially important by introducing cotton and local goods, as the country around the Gulf of Petchili (upon which they are situated) is beyond the Silk and Tea producing districts.

I enclose a list of all the ports now open to trade in China, and where, by treaty stipulations Consuls are

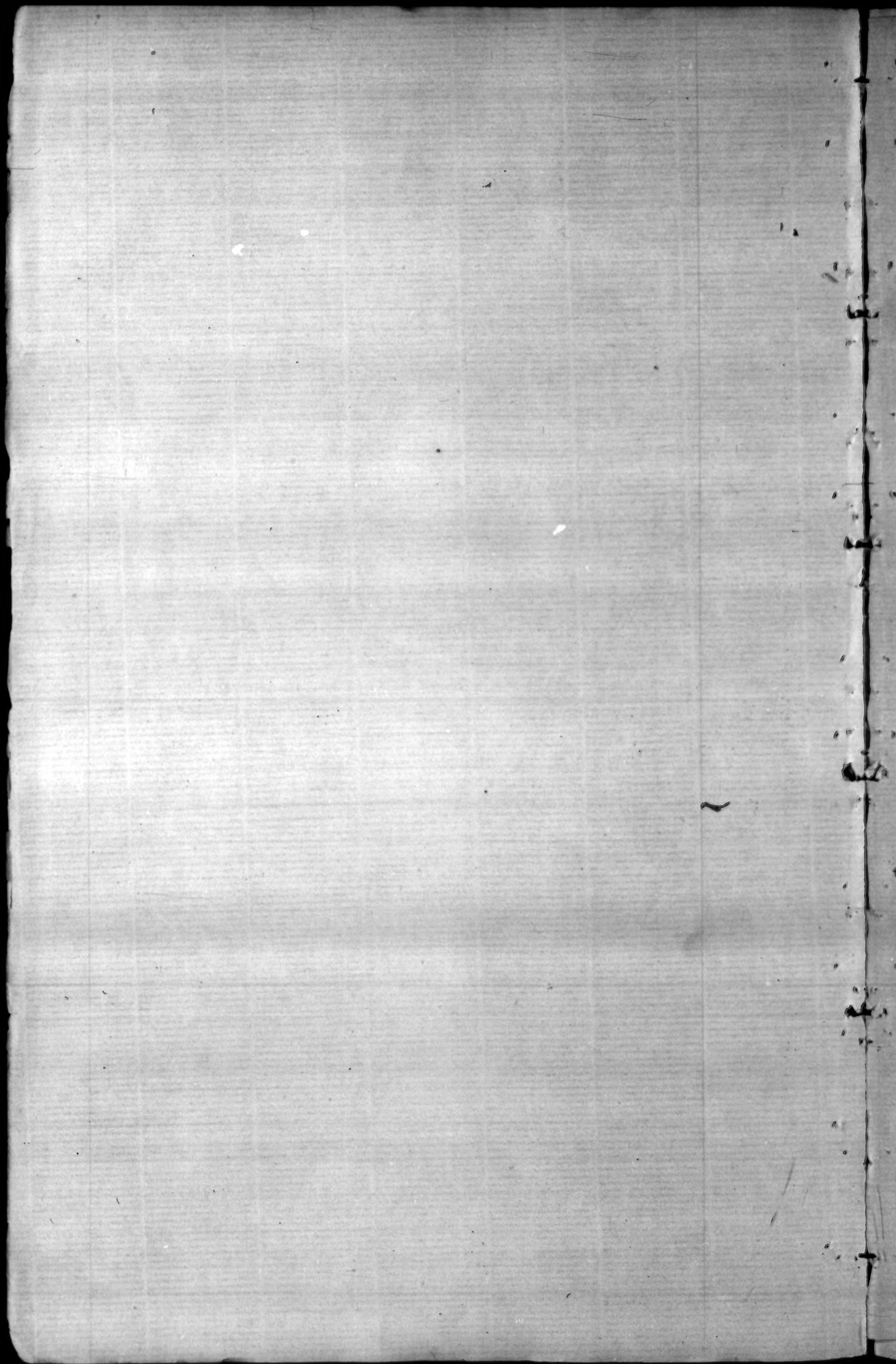
to reside.

The consular duties in China and Japan, include judicial functions, and it is consequently of much importance that none but men of high character, for intelligence and integrity, should be appointed to them, as cases of the greatest consequence to our countrymen, have frequently to be decided by them. In addition to the five ports now having consuls with salaries, I take the liberty to suggest that five other salaried consulates be established, without naming the ports, and that the Minister in China, be authorized to assign them to the ports which in his judgment are most important. There are several ports open to trade, which in my judgment do not now require consuls, as we have no trade at them, and some of them, will never be commercially important.

Dear Sir, respectfully  
Your Obedt. Servant

C. H. Stirling  
Flag Officer  
Charge d'Affaires ad interim





Legation of the United States  
U. S. Steamer Saginaw  
Hankow 12<sup>th</sup> May 1861

Sir.

I have the honor  
to inform your Excellency,  
that I have appointed  
C. D. Williams Esquire, a  
citizen of the United States,  
and residing at Hankow,  
acting Consul of the United  
States at Hankow, until  
the pleasure of the President  
is made known. and have  
to request your Excellency  
to grant him the usual  
Exequatur by which he will  
be

To His Excellency  
Hwan

Governor General of  
Hu Kwang &c &c &c &c



he recognized and authorized  
to act as Consul. Recommending  
him to your Excellencies consid-  
eration. I have the honor to  
be, with great respect,

Your Excellencies

Most Obedt. Servant

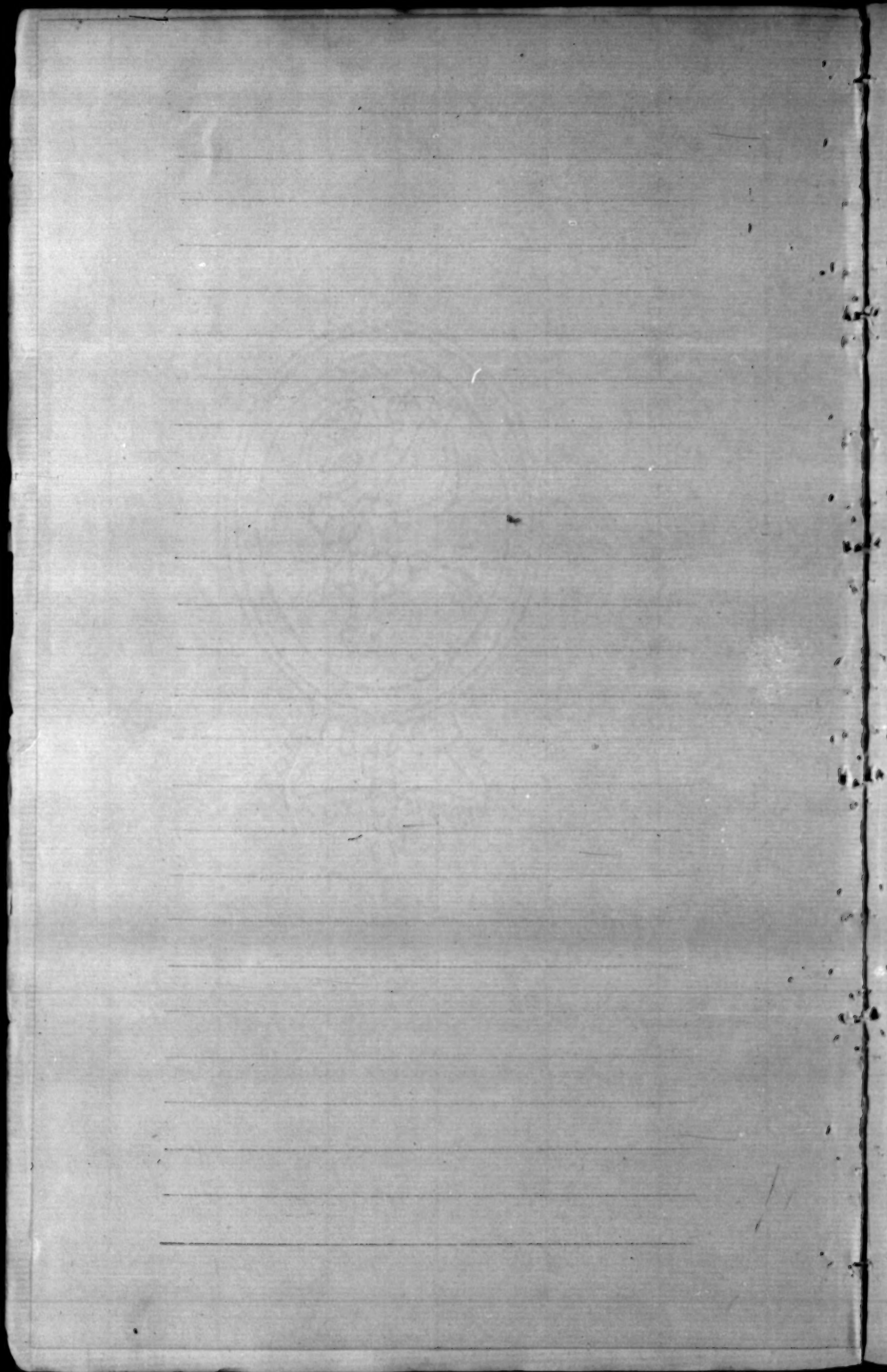
C. K. Stirling

Flag Officer

Chargé d'Affaires ad interim







Legation of the United States  
U. S. Flag Ship Hartford  
Shanghai May 30<sup>th</sup> 1861

Sir.

I have to inform your  
Excellency that I have received a  
letter from Mr. Breck, the American  
consul at Swatow, informing me  
that, "On Tuesday the 30<sup>th</sup> of April,  
about 3 P.M. a body of men from  
two large Villages in the immediate  
neighbourhood of Swatow, armed  
with Spears and Matchlocks, entered  
the Hong of Messrs. Bradley & Co and  
deliberately plundered and destroyed  
every article of property in the Hong,  
and in the House above, with the  
exception of a few chests of Opium.  
All the private personal effects of  
Messrs. Bradley Richardson & Sons,  
of every name, kind, and description,  
was carried away or destroyed, with  
the exception of the clothing they had  
on. There was no interference on the  
part of the Authorities no arrests  
were

His Excellency Sir  
Imperial Commissioner  
etc etc etc  
Shanghai



iver made, and on application to the Magistrates, for a guard to protect the lives and property of Messrs Bradley & Co. from a further anticipated attack during the night, no guard was furnished and no assistance rendered."

Your Excellency will, I am sure, agree with me in denouncing the conduct of these Villagers, and will be disposed to use such means as may be necessary to vindicate the violated laws, and bring to punishment these Villagers, who have been long noted for their lawless conduct. Messrs Bradley & Co must be indemnified for their losses, and the Villagers should be made to indemnify them; and the ringleaders punished in such a manner as would prevent a repetition of such outrageous conduct.

I propose to send a vessel immediately to Swatow, to look after the interests of citizens of the United States residing there, and beg that your Excellency will send such orders, as will at once bring the guilty to punishment, and indemnify Messrs Bradley & Co for their losses. I shall be happy to give the Commander of the vessel such orders, as will aid the local authorities

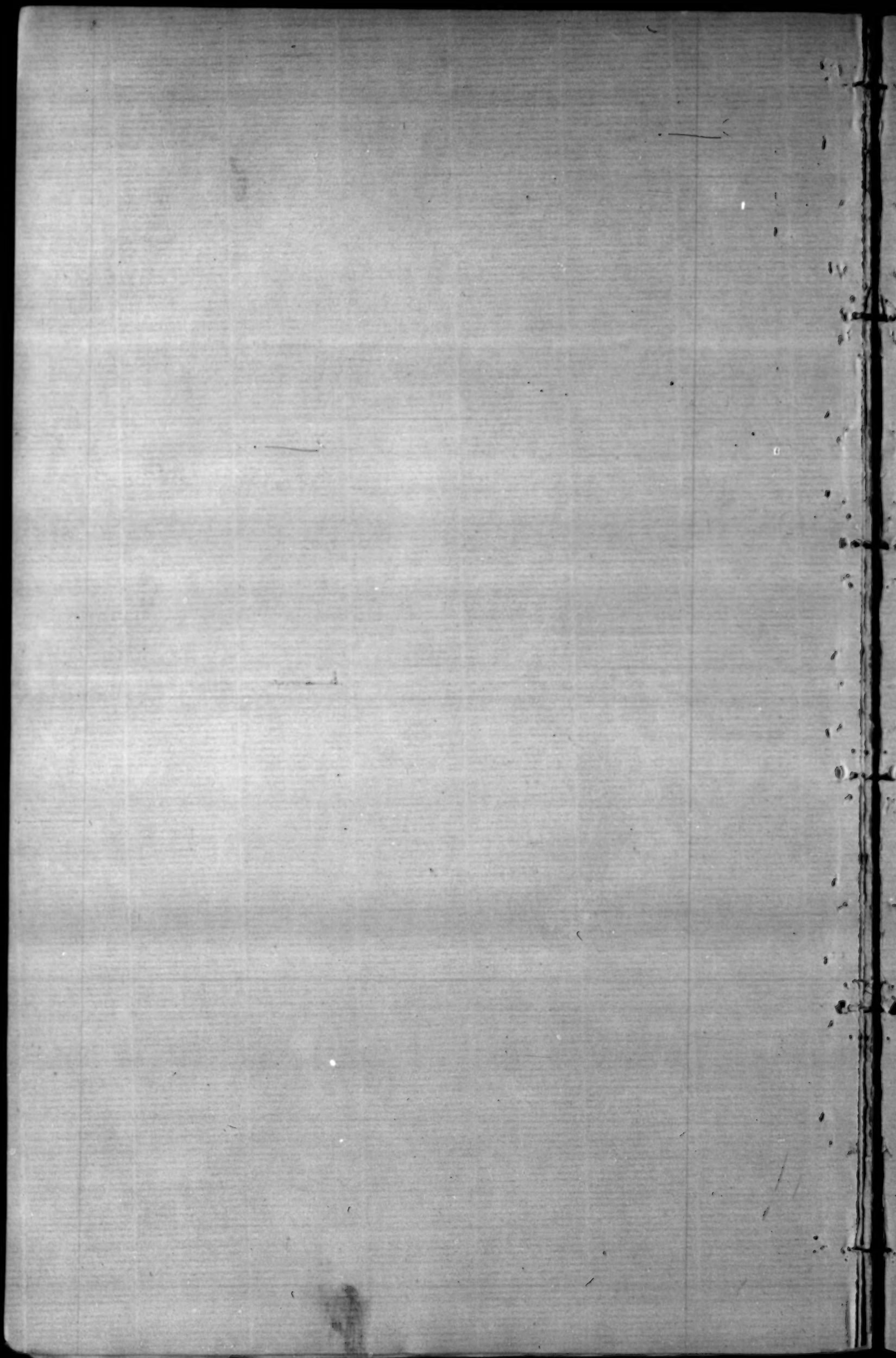
Authorities in a proper settlement  
of this unfortunate and disgraceful  
affair.

Take the opportunity to  
wish you health and happiness.

I am Sir, respectfully  
Your Obedt. Servant

C. R. Stirling  
Flag Officer  
Charge d'Affaires ad interim





Reply of Imperial Commissioner  
Sub.

Sub Acting Imperial Commissioner  
makes the following communication in reply.

On the 21<sup>st</sup> day, of the 4<sup>th</sup> Moon  
of the 11<sup>th</sup> year, of Hienfung, I  
received a communication from  
you the Honorable Charge in  
which you say, "I have received  
a communication (here he quotes  
the Commodore's despatch verbatim  
down to the words) -- disgraceful  
affair &c."

In acknowledging the  
receipt of this, it seems to me by  
all means proper that the people  
in the villages in the neighbourhood  
of Swatow who carrying warlike  
weapons lawlessly broke into the Hong  
opened by the American Merchants  
Bradley & Co, should be vigorously as-  
sisted, and the whole affair clearly  
investigated as to its origin, and that  
punishment be awarded according  
to law. In addition to addressing a  
communication to the Viceroy of the  
two Kwang requesting him to give  
strict orders to the Intendant  
Prefect, and Magistrate of the  
place aforesaid, instructing them  
to clearly investigate the origin of



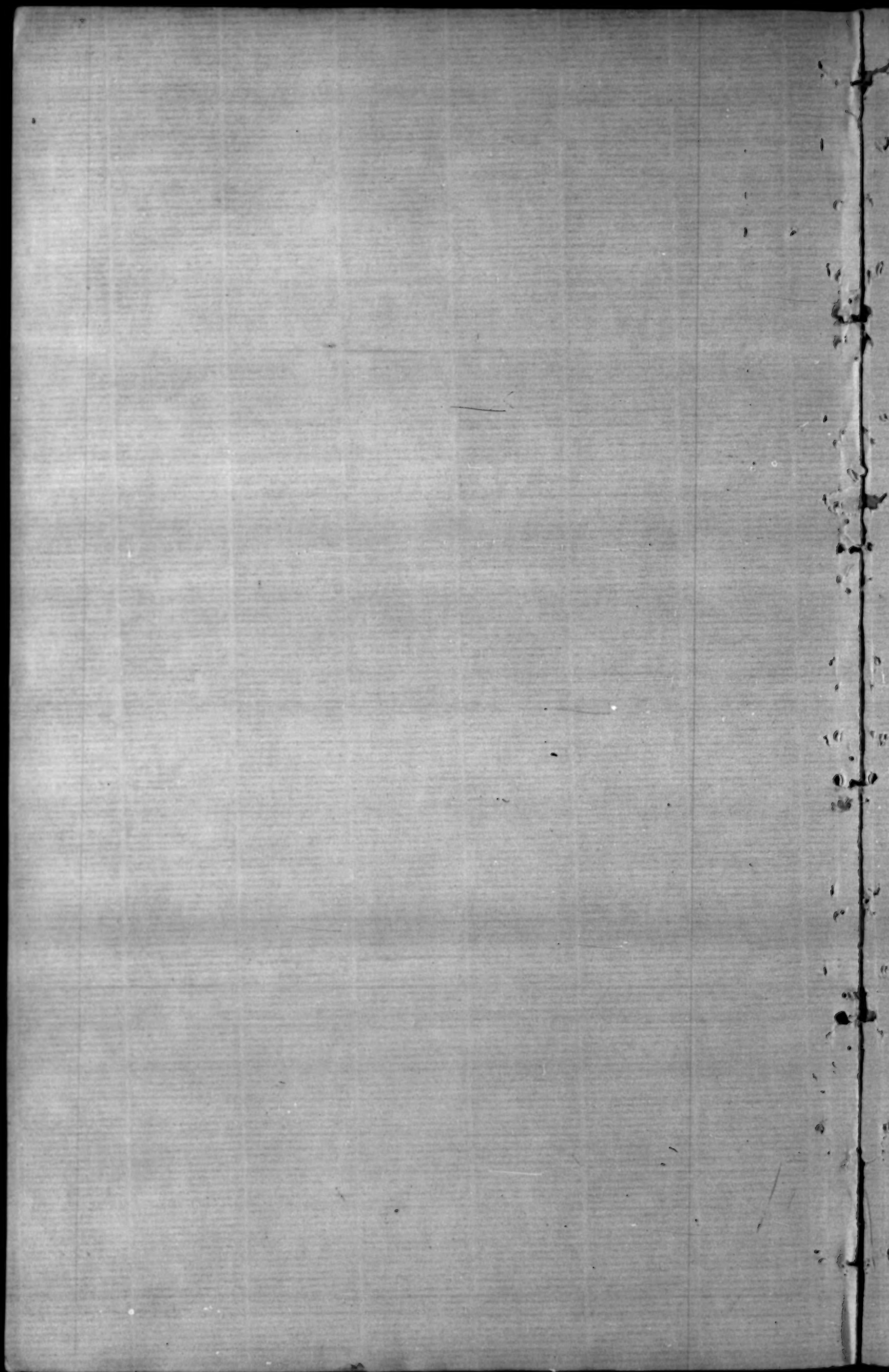
of the disturbance between the  
Merchants and Villagers aforesaid,  
rigorously arrest and punish (the  
Offenders) without delay or evasion -  
and as foreign Merchants have  
come from afar for purposes of  
Trade, I hope he will hereafter  
enjoin upon the Officers aforesaid,  
to adopt suitable means for their  
protection &c &c, it is also proper  
that I should address this reply  
to you the Honorable Charge for  
your inspection and at the same  
time express my wishes for your  
prosperity -

The above communication is  
addressed to Stübling, by Imp-  
erial appointment Admiral and  
Charge d'Affaires, ad interim, of  
the U. S. A. in China -

Hsin-fung, 11<sup>th</sup> year, 4<sup>th</sup> Moon,  
2-day -







# Ports in China opened to Trade

1. Canton
2. Swatow\*
3. Amoy
4. Foo-chow-fu
5. Ningpo
6. Shanghai
7. Hankow
8. Kiu-Kiang
9. Chiu Kiang
10. Kiung Choo on the Island of Hainan
11. Taiwan on the Island of Formosa
12. Kieu Chong Gulf of Leotong
13. Chefoo instead of Tang Chow, Gulf of Petchili
14. Tientsin, river Peiho, port of Peking

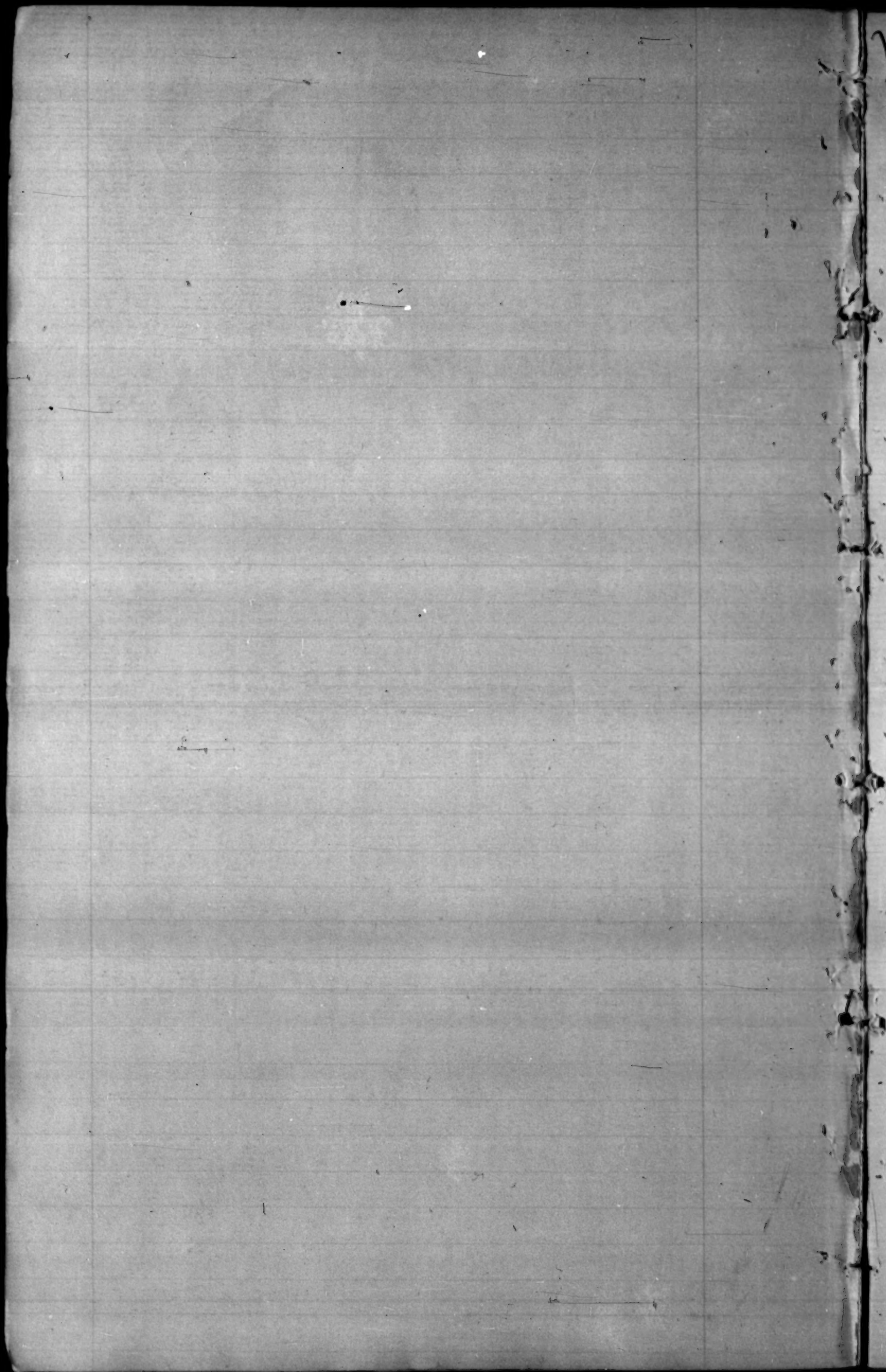
Consuls have been appointed to these ports.

On the Yangtze Kiang

\*. No salary is allowed by law, to the Consul at this port.

Kelung + Tallow in Formosa  
Nankin in Yangtze





V  
Recd 14. Sept 1861 Mr. Seward

No 12

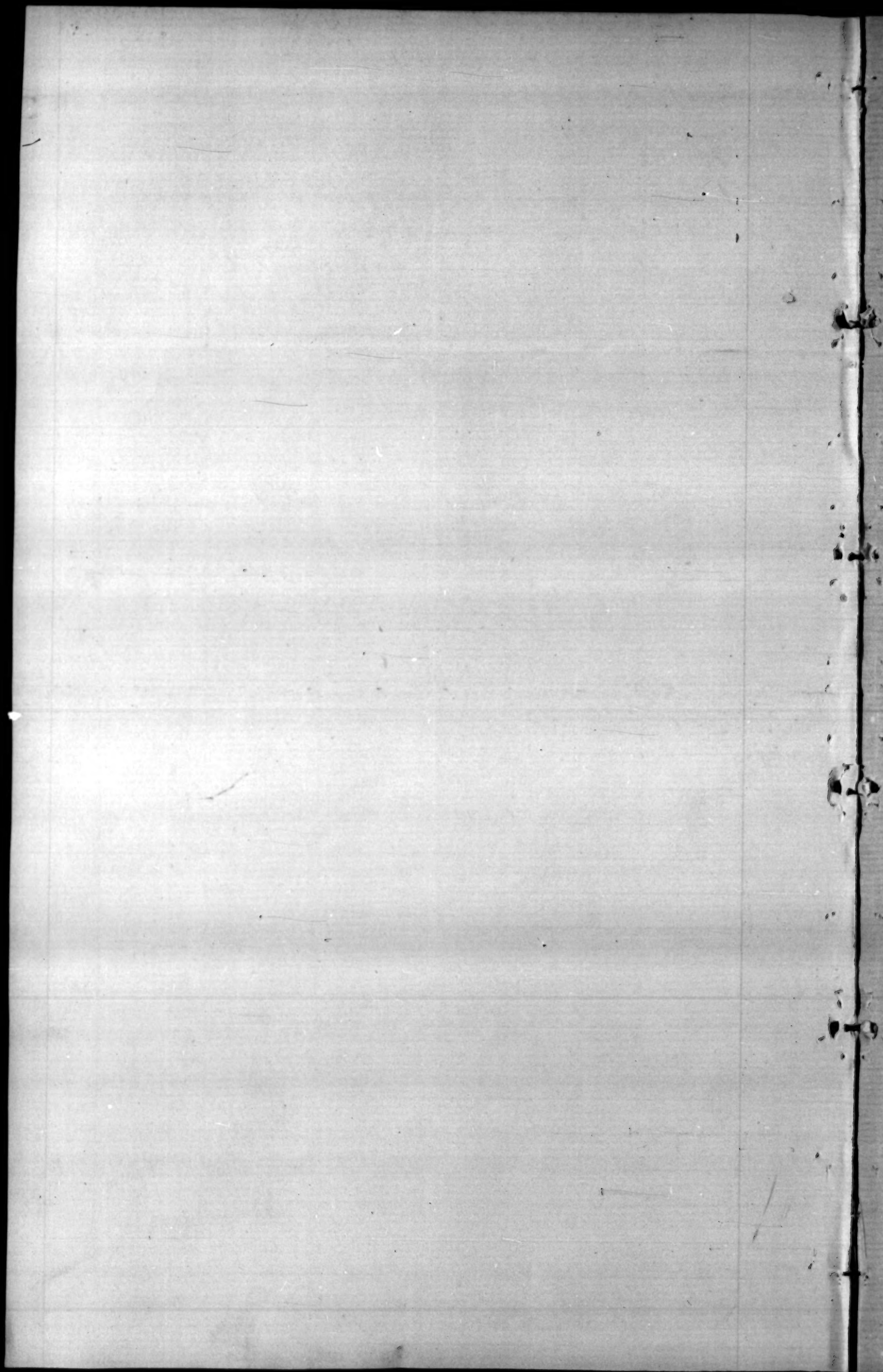
Legation of the United States  
U. S. Flag Ship Hartford  
Hong Kong July 8. <sup>th</sup> 1861 ~

Sir. I have the honor to  
enclose a copy of a "Statement  
of Collections from the Chinese  
Government and disbursements  
to July 2<sup>nd</sup> 1861. and a copy  
of the receivers letter to me  
accompanying it."

I am Sir  
Respectfully  
Your Obedt. Servant  
C. R. Stirling  
Flag Officer.  
Chargé d'Affaires, ad interim

Honorable  
Wm. H. Seward  
Secretary of State  
Washington





- Copy -

Statement of Collections from  
the Chinese Government and of  
disbursements from January 19<sup>th</sup> 1861.  
to date, by the undersigned, on account  
of Indemnity for losses sustained  
by Citizens of the United States. ~

Balance in Bank applicable to 4<sup>th</sup> dividend  
as per Statement of January 19<sup>th</sup> 1861 \$ 333 42  
Received from Foo Chow . . . \$ 6,728.62  
" " Canton . . . 50,737.78 " 57,466 40

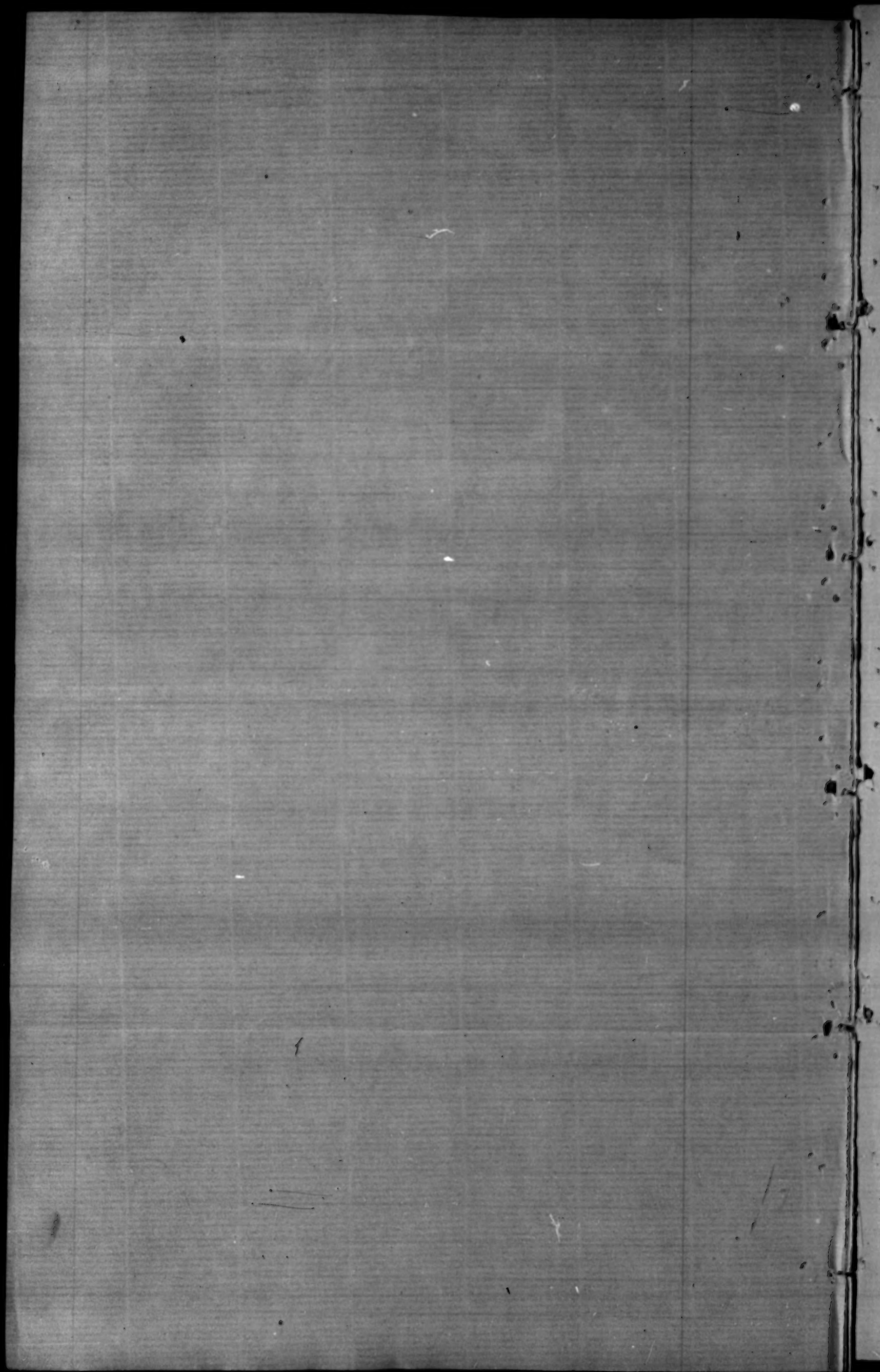
Expenses of Collection  
Freight on Treasure from Canton \$ 7.95  
Shroffage " 28.73  
Commissions " 1436.65 " 1473 33  
Amount to be divided \$ 56,326 49  
4<sup>th</sup> Dividend to claimants paid July 1<sup>st</sup> 1861 " 56,314.90  
Balance in Bank applicable to 5<sup>th</sup> Dividend \$ 11 59

Memo.  
Amount due to claimants January 19<sup>th</sup> 1861 \$ 93,491 05  
4<sup>th</sup> Dividend as above " 56,314 90  
Balance to be paid claimants from future collections " 37,176.55

Estimated Balance to be collected from  
Chinese Government as per Statement Jan'y 19<sup>th</sup> 1861 \$ 295,235.73  
Collected from Jan'y 19<sup>th</sup> to July 2<sup>d</sup> 1861 " 57,466.40  
Estimated balance to be collected from this date " 273,769 33

C. F. C. L.  
Hong Kong July 2<sup>d</sup> 1861  
(Signed) Elephant Ho  
Receiver





Copy

Hong Kong July 2 1861

Commodore G. B. Stirling  
Chargé d'Affaires ad interim  
of the United States of America  
to China

Sir

to &c &c &c

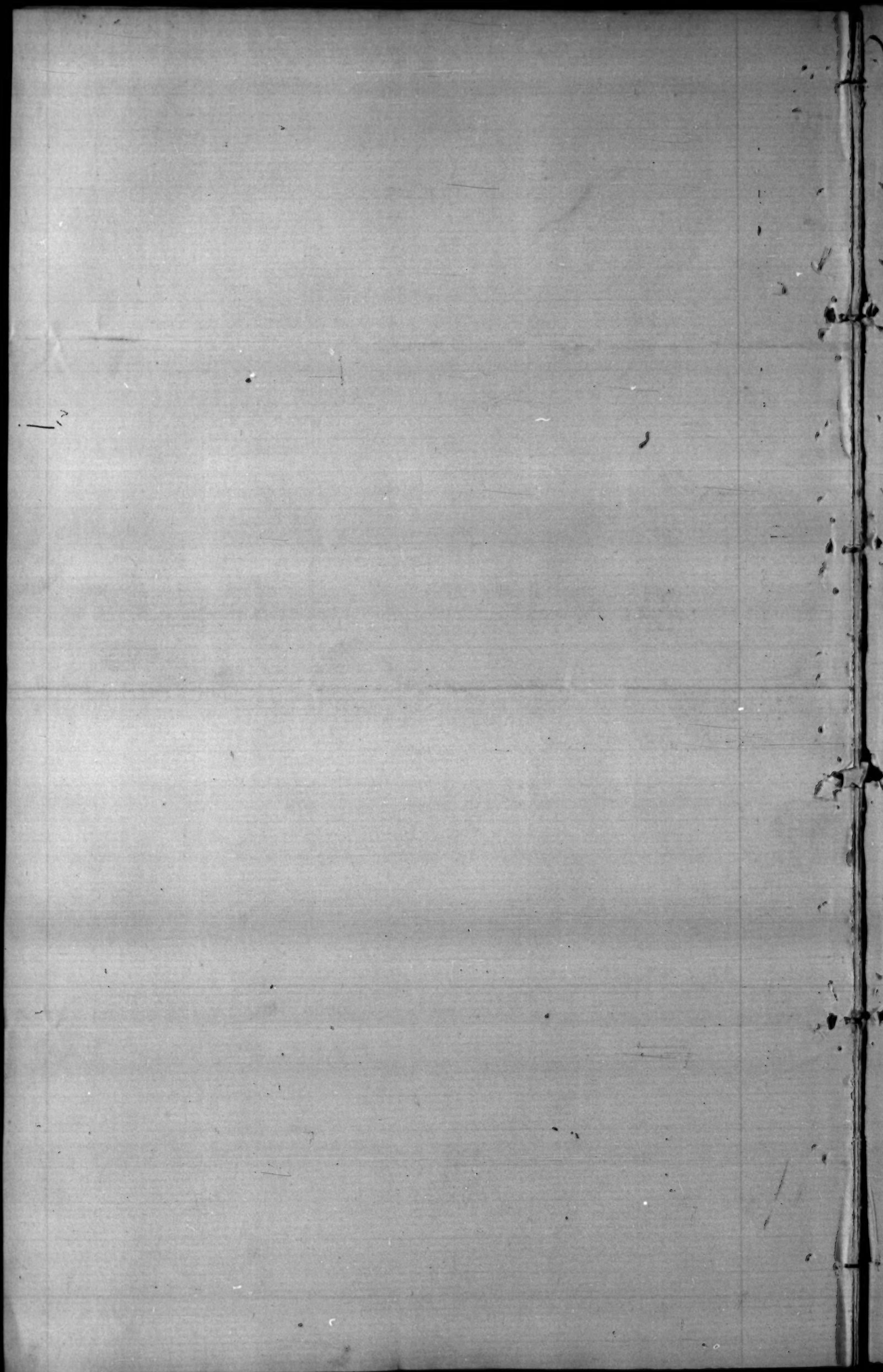
We have the honor to have  
sent with a statement of monies collected  
by us from the Chinese Government  
and of Disbursements made from  
the 19<sup>th</sup> of January last to date, on  
account of indemnity to United States  
Citizens for losses sustained by them  
at Canton.

At the time of handing you  
the last statement of collections and  
Disbursements, there was a balance in  
Bank applicable to a 4<sup>th</sup> dividend to the  
claimants of \$333.<sup>42</sup>/<sub>100</sub> - The collections  
since the date referred to amount to \$57,466.<sup>40</sup>/<sub>100</sub>  
the expenses of collection amount to \$1,473.<sup>33</sup>/<sub>100</sub>  
and from the remainder we have paid  
a dividend to the claimants of \$56,314.<sup>90</sup>/<sub>100</sub>  
leaving in Bank applicable to a 5<sup>th</sup>  
Dividend the sum of \$11.<sup>59</sup>/<sub>100</sub> -  
The amount due to the claimants & to be  
paid from future collections is \$37,176.<sup>50</sup>/<sub>100</sub> -  
and the estimated sum to be collected from  
the Chinese Government is \$273,769.<sup>23</sup>/<sub>100</sub> -

We are Sir, your Obedt. Servt.

(Signed) Clyphaut Ho  
Receiver





Recd 7. Oct. Mr Derrick

No 13

Legation of the United States  
U. S. Flag Ship Hartford  
Hong Kong July 16<sup>th</sup> 1861 ~

Sir. I have the honor to enclose  
"Return of Suits at the U. S.  
Consular Court, Shanghai, from  
the 1<sup>st</sup> day of January 1861, to the  
30<sup>th</sup> of June 1861, inclusive."

The enclosed Return is the  
only one that has been received  
from any of the Consulates. ~

Yours Sir.  
Respectfully  
Your Obedt Servant  
C. E. Stritling  
Flag Officer

Charge d'Affaires ad interim.

Honorable  
W. H. Seward  
Secretary of State  
Washington



## UNITED STATES CONSULAR COURT

Return of Suits from the 1<sup>st</sup> day of January 1861 to

NO. OF CASE.	DATE OF FIRST PROCEEDINGS. 1861	NAME AND NATIONALITY OF PLAINTIFF.	NAME AND NATIONALITY OF DEFENDANT.	NATURE OF SUIT.	
1	Jan'y 19	M. Samond British subject	W. A. Hale U. S. A.	Action of Debt	For
2	do	Nanny Nelson U. S. A.	Barth Rover U. S. A.	do.	N
3	Jan'y 23	J. W. Wright British subject	Ship White Falcon U. S. A.	do.	For
4	Feb. 2	The United States	William Webster U. S. A.	Assault & battery	in
5	Feb. 18	William Waller British subject	Bull Pundon & Co U. S. A.	Action of Debt	For
6	Feb. 26	The United States	Comd'g J. Berquith U. S. A.	Violation of 11 <sup>th</sup> Article of Treaty of Pimtsin	the
7	March 1	Nicholas Gleary U. S. A.	Peter Cole U. S. A.	Action of Debt	For
8	do	Estate of Matthew Deceased.	W. Floyd U. S. A.	In probate	
9	Jan'y 28	Estate of D. F. Coombs Deceased.	U. S. A.	do	

COURT AT Shanghai China.

61 to the 30<sup>th</sup> day of June 1861, inclusive.

JUDGMENT.	AMOUNT OF FINES IMPOSED.	AMOUNT OF FEES CHARGED AND RECEIVED.	DISPOSITION OF FINES AND FEES.	APPEAL.
For plaintiff Pails 84-		\$9. <sup>95</sup>	Marshal fees \$5.00 Clerk do 4.95 \$9.95	None
No cause of action		\$8.	Marshal fees \$4. Clerk do 4. \$8.	do
For plaintiff Pails 17.		\$5. <sup>50</sup>	Marshal fees \$3. Clerk 2.50 \$5.50	do
Sentenced to be imprisoned 30 days.		\$18. <sup>75</sup> not received of defendant	Marshal fees \$9.75 Witness do 2.00 Clerk do 7.00 \$18.75	do
For plaintiff \$99. Mexican		\$11. <sup>90</sup>	Marshal fees \$6.50 Clerk do 5.40 \$11.90	do.
Sentenced to give bond to keep the peace	\$10. received		Marshal fees \$5. Clerk do 5. \$10.	do
For \$100. Mexican		\$7. <sup>95</sup>	Marshal fees \$4.50 Clerk do 3.45 \$7.95	do.
		\$28. <sup>50</sup>	Marshal fees \$14.50 Printer do 3.75 Clerk do 10.25 \$28.50	do.
		\$43. <sup>25</sup>	Marshal fees \$19.75 Printer do 4.50 Clerk do 19.00 \$43.25	do.



# Return of Suits from

OF CASE.	DATE OF FIRST PROCEEDINGS. 1861	NAME AND NATIONALITY OF PLAINTIFF.	NAME AND NATIONALITY OF DEFENDANT.	NATURE OF SUIT.	
10	Feb. 28	Estate of E. R. Goodrich Deceased. U. S. A.		In probate	
11	March 8	United States	John Austin U. S. A.	Assault & Battery	For
12	" 22	Luh-Kee-ping Chinese	William Passmore U. S. A.	Do	
13.	" 29	United States	Robert Newlin U. S. A.	Do	
14	April 15	Do	Edward J. Sawson U. S. A.	Obtaining money under false tokens in	do
15	" 16	Wang-Yew-fok Chinese	Edward Hawkins U. S. A.	Action of Debt	In
16	" 18	The United States	William Hooper U. S. A.	Assault & Battery on Sang Chuan a Chinaman.	Do
17	" 19	Do.	Edward Graham U. S. A.	Assault & Battery	Do
18	" 20	Ah. Foo Chinese	Edward Hawkins U. S. A.	Action of Debt	In

JUDGMENT.	AMOUNT OF FINES IMPOSED.	CHARGED AND RECEIVED.	DISPOSITION OF FINES AND FEES.	APPEAL.
		\$32. <sup>50</sup>	Marshal fees \$16.00 Printer do 4.50 Clerk do 11.50 \$32.00	None
Finia —	\$10.	\$10.	Marshal fees \$5. Clerk do 5. \$10.	do.
do	\$10.	\$10.	Marshal fees 5. Clerk do 5. \$10.	do
do.	\$100. only \$25. collected	\$25.	Marshal fees 11.25 Witnesses do 5.00 Clerk do 8.75 \$25.00	do
Sentenced to be imprisoned 90 days and fined \$100.		not collected \$16. only collected	Marshal fees \$9.00 Witnesses do 2.00 Clerk do 7.50 \$18.50	do.
In favor of defendant		\$10.	Marshal fees \$5. Clerk do 5. \$10.	do
Sentenced to pay a fine of \$65. and out of the same \$50. to be paid to Drang Chan- Dina	\$35. collected and paid to Drang Chan- \$5.	\$35. \$5.	Marshal fees \$5. Clerk do 5. \$10. Marshal fees \$5. Clerk do 4.75 \$9.75	do.
In favor of Plaintiff \$50. Mexican		\$10.	Marshal fees \$5. Clerk do 5. \$10.	do



NO. OF CASE.	DATE OF FIRST PROCEEDINGS. 1861	NAME AND NATIONALITY OF PLAINTIFF.	NAME AND NATIONALITY OF DEFENDANT.	NATURE OF SUIT.	
19	April 22	United States	J. Howard Claxton U. S. A.	Assault & battery	Sen
20	May 3	Francis A. McKimell British subject	Do.	Trespass	Imp -t. fl
21	May 6	United States	William Hicks James Clark John Gill, John Cornish and Alexander Hills. U. S. A.	Charge of violating treaty by going into interior	F
22	" 8	Thomas Allen & Co. British subjects	Ship White Falcon U. S. A.	Action of Debt	dep
23	" 14	United States	John W. Jackson U. S. A.	Larceny	N con Co
24	" 14	Do.	George Johnson U. S. A.	Assault & battery	Fi
25	" "	Do.	Charles H. Dow U. S. A.	Do.	S
26	" "	Do	William Kinnear	Do	
27	" 18	Do	Henry J. Bur- gevine	Violation of Neutrality law	N

JUDGMENT.	AMOUNT OF FINES IMPOSED.	AMOUNT OF FEES CHARGED AND RECEIVED.	DISPOSITION OF FINES AND FEES.	APPEAL.
Sentenced to pay	\$10.	\$10.	Marshal fees \$5. Clerk do. 5. \$10.	None
In favor of plain- tiff \$1.00		\$7.	Marshal fees \$4.50 Clerk do. 2.50 \$7.00	Do
Finid	\$38.50	\$38.50	Marshal fees \$23.50 Clerk do 15.00 \$38.50	Do.
In favor of defendant		\$5.	Marshal fees \$3. Clerk do 2. \$5.	Do
Not guilty and complainant to pay Court expenses		\$10.	Marshal fees \$5. Clerk do. 5. \$10.	Do
Finid	\$10.	\$10.	Marshal fees \$5. Clerk do. 5. \$10.	Do.
Do	\$25.	\$25.	Marshal fees \$10.50 Witnesses do 4.00 Clerk do 10.50 \$25.00	Do
Do	\$25.	\$25.	Marshal fees \$11.50 Witnesses do. 3.00 Clerk do 10.50 \$25.00	Do
Not guilty	none	none	Marshal fees \$9. Clerk do. 8.50 \$17.50	Do



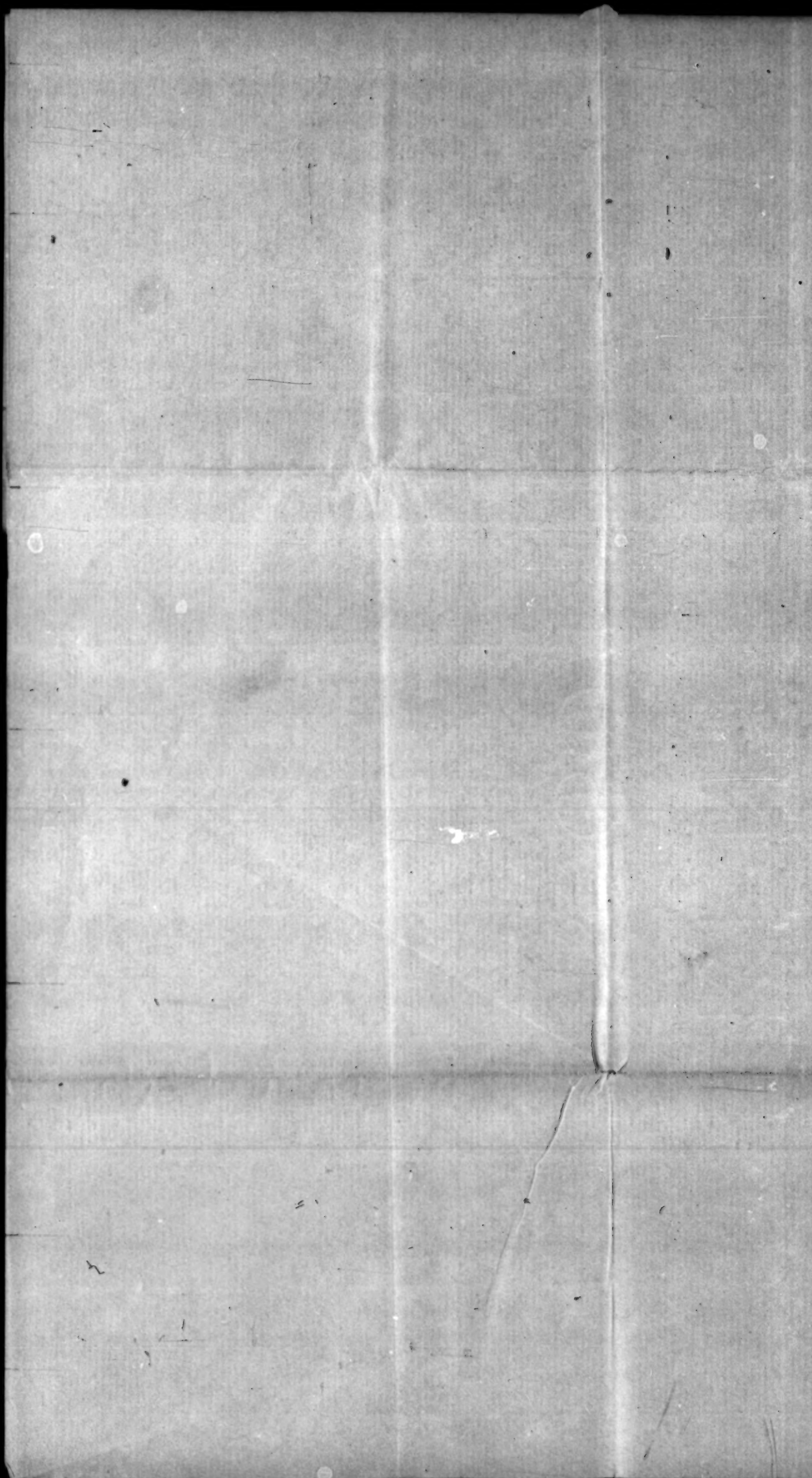
NO. OF CASE.	DATE OF FIRST PROCEEDINGS.	NAME AND NATIONALITY OF PLAINTIFF.	NAME AND NATIONALITY OF DEFENDANT.	NATURE OF SUIT.	
	1861				
28	May 27	In the Matter of the Boat Pioneer U. S. A.		In equity for possession	C
29	June 5	Wade & Mooney U. S. A.	Thomas B. Schaffer U. S. A.	Action of Debt	In title
30	" 21	H. A. McLean British subject	J. W. Rickard U. S. A.	do	In debt
31	" 22	United States	E. C. Perry Master of Bark Phillips de la Roche of New York U. S. A.	Discharging 11 packages of gun powder without permit.	N
				E. V. O. E.	

JUDGMENT.	AMOUNT OF FINES IMPOSED.	AMOUNT OF FEES CHARGED AND RECEIVED.	DISPOSITION OF FINES AND FEES.	APPEAL.
Order granted		\$18. <sup>10</sup>	Marshal fees \$8.50 Clerk do 9.60 \$18.10	None
In favor of plain- tiff, Pauls 300.		\$11. <sup>30</sup>	Marshal fees \$5.70 Clerk do 5.50 \$11.20	Do
In favor of the defendant		\$7.	Marshal fees \$5. Clerk do 2. \$7.	Do
Not guilty		\$17.50 but not received	Marshal fees \$6.50 Associates do 6.00 Clerk do 5.00 \$17.50	Do

United States Consulate  
Shanghai China  
June 30.<sup>th</sup> 1861

W. L. G. Smith  
U. S. Consul





Enclosure

Report of Judicial basis

No 1

June 30. 1861



V.

V. No 14. Rec 7. Cdr M. S. G. M. S. G. M. S. G.

Legation of the United States  
U. S. Flag Ship Hartford  
Hong Kong July 1861  
Sir

Having been relieved  
from the Command of the  
East India Squadron, and  
ordered home: and having re-  
ceived no instructions from the  
State Department. I shall  
deliver the archives of the  
Legation to the Receiver of  
the Chinese Indemnity, Messrs  
Olyphant & Co. of Hong Kong.  
10

Honorable  
W. H. Seward  
Secretary of State  
Washington



await your further orders.

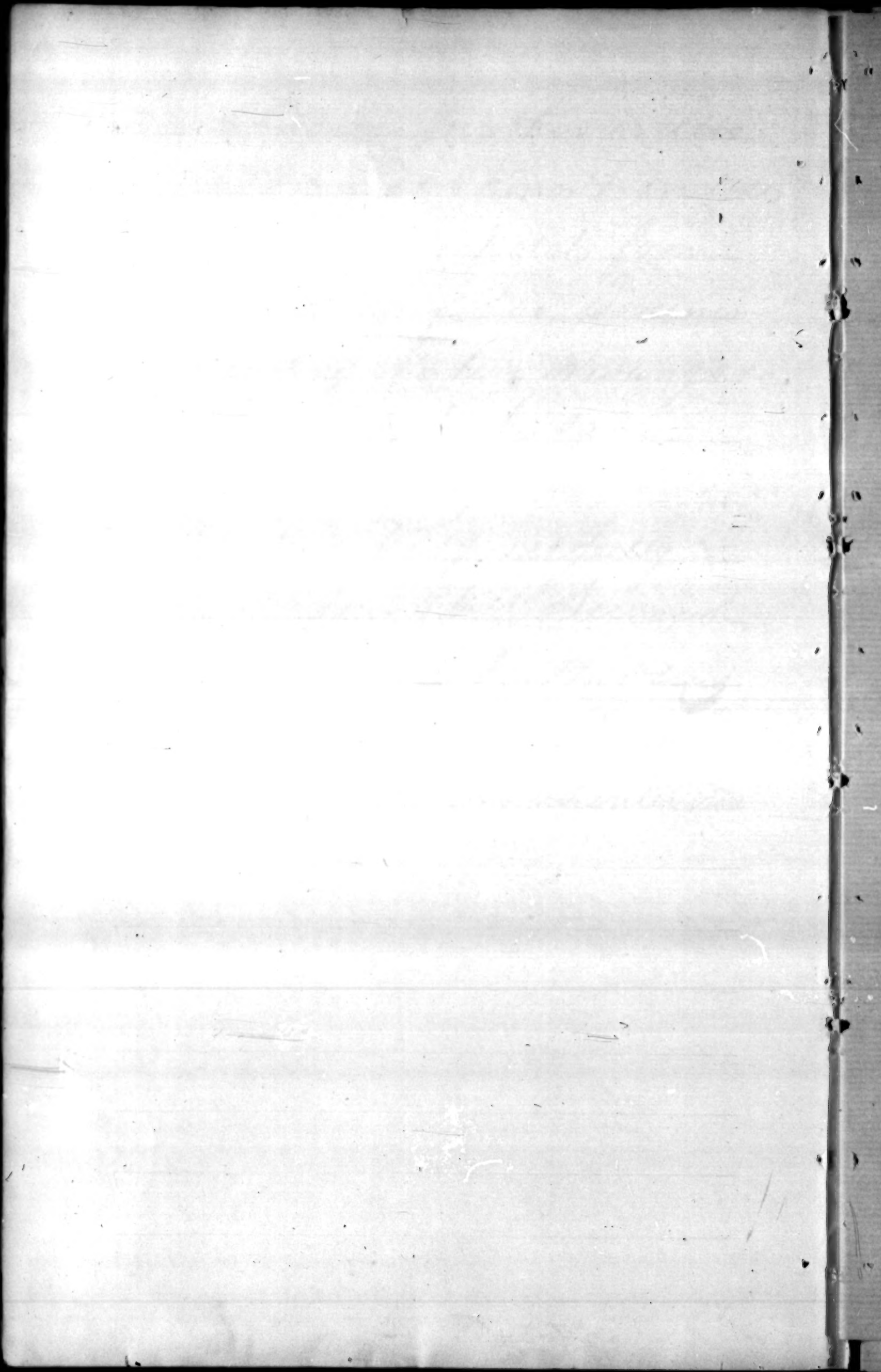
I have the honor to enclose  
a copy of a despatch from  
His Excellency, Gov. Governor  
General of the two Kwangse  
and my reply to the same.  
I am Sir,

Respectfully  
Your Obedt. Servant

C. E. Mitting  
Flag Officer  
Chargé d'Affaires ad interim







~ Copy ~

Loe, Governor General of the Two Huangs, &c.  
A Dispatch.

On 13<sup>th</sup> July 1861 a message was received from the Superintendent of the Imperial Military Board, which has the regulation of Foreign Affairs, stating that "a communication had been received from the Governor General of Hunan and Hubei Provinces, informing them that an English Consul had been appointed for Hankow and that American and Russian vessels were constantly coming. But the Russian and American countries have yet no Consul appointed for that place. The citizens of these two countries, Import and Export goods at their pleasure, not considering it very necessary to submit to inspection. The Dispatch requests that attention be given to this matter.

And, Whereas, certain regulations have been established by this board, regarding the vessels of every country, which enter the Harbours for trade; therefore there should be a Consul appointed for each place, to direct the affairs, that the foreign vessels may enter port with their cargoes.

If any Country shall not have appointed a Consul, its business must be transacted by the Consul of another country, and the Consul of that country, will take charge of it; then permission will be given to that country to trade and commerce.

But if the



But if the Consul of that country, has not arrived, and there is no Consul of another country, who is willing to transact its business; and the merchants of that country, come and go at their pleasure, they do so without permission and at their own risk. And furthermore should they suffer loss or damage, the Chinese Authorities will not secure redress for them.

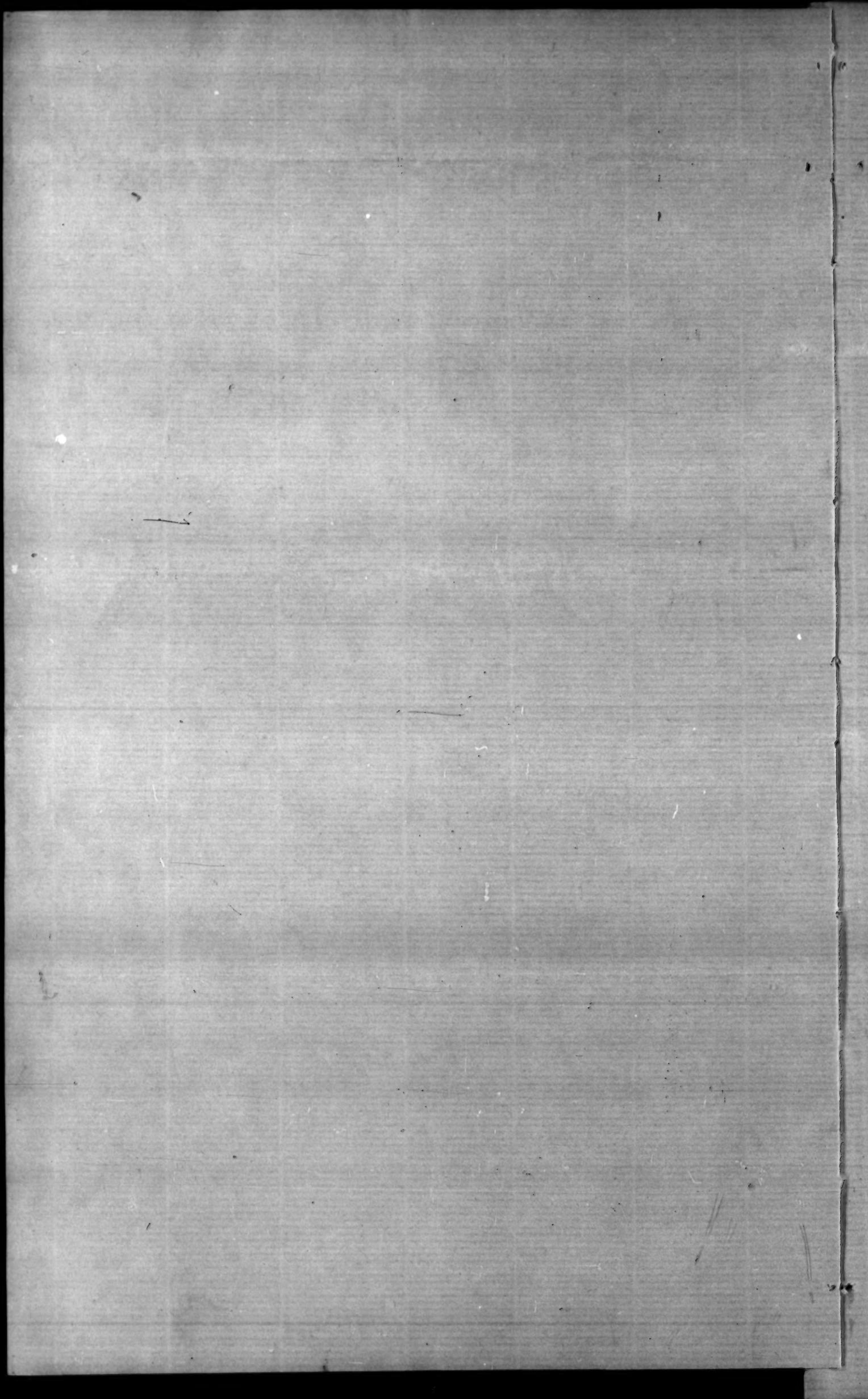
A Dispatch has been sent to the Lieut. Governor of Kiangsoo, instructing him to inform the American and Russian Consuls to conduct their affairs accordingly, and also issue notifications for the information of all the merchants and people of all the ports. All will comply with these directions. On receipt of the Dispatch the Hon. Governor will comply."

The above was the purport of the dispatch received, directions have also been given to the Comptroller of Canton Customs to act accordingly; we have also sent this dispatch for the information of the Hon. Consul, which he will please examine.

To  
Wm. U. S. Consul &c &c  
July 14<sup>th</sup> 1861.







Copy~  
Legation of the United States  
U. S. Flag Ship Hartford  
Hong Kong July 18<sup>th</sup> 1861.

Sir.

I have received your communication of the 14<sup>th</sup> instant, enclosing a translation of a despatch from his Excellency, Loo, Governor General of the two Kwangs. and request you to make the following reply to his Excellency's communication.

I have had the subject of Consuls for the ports, recently opened to trade before me, and have advised the Secretary of State, of the United States, of the necessity of speedily appointing Consuls at them. As soon as I can find proper persons, citizens of the United States, I shall give them acting appointments, until the orders of the Government are received.

When at Hankow, in May last, I appointed Mr. C. D. Williams, acting Consul for that port. I informed his Excellency, the Governor

Oliver H. Perry, Esquire  
U. S. Consul  
Hankow.



Governor General of Hunan  
and Suprah of my having  
appointed Mr. Williams, acting  
consul for that port. He was  
subsequently received by His  
Excellency, and recognized as  
consul, and the flag of the  
United States hoisted accordingly.  
For other ports I have not yet  
found suitable persons, but hope  
to do so soon, for the ports most  
frequented.

In reference to that part  
of the dispatch from his Excellency,  
in relating to citizens of the  
United States doing business at  
ports where consuls have not arrived;  
and there is no consul of another  
country who are willing to transact  
its business, and the merchants  
of that country come and go at  
their pleasure, they do so without  
permission and at their own risk.  
And furthermore, should they suffer  
loss or damage, the Chinese authorities  
will not secure redress for them."  
I remark, that by the XIX Article  
of the Treaty of Peking, it is provided,  
"In case of the absence of the  
consul or person charged with  
the functions, the Captain or  
Supercargo of the vessel may  
have recourse to the consul

of some friendly power, or if  
he please, directly to the super-  
intendent of Customs, who shall  
do all that is required, to conduct  
the ships business." From this  
provision of the Treaty it appears  
to me, that ample provision is  
made for the absence of the Consul,  
and that the obligations of the  
Chinese Authorities are not lessened,  
but increased by his absence, for  
then the Superintendent of Customs,  
has to act in his stead. As this is  
the duty of the Chinese Officials,  
when Consuls are temporarily  
absent, it cannot be less their  
duty when Consuls have not yet  
been appointed, at ports recently  
opened to trade. The right of  
Citizens of the United States  
to trade at these ports, cannot  
be made contingent upon the  
willingness or unwillingness of the  
Consul of some other Country to  
do the business of American  
Citizens; the right is perfect under  
the Treaty, and cannot be taken  
away, by any authority less than  
the parties to it.

The President of the  
United States of America,  
and His Imperial Majesty the

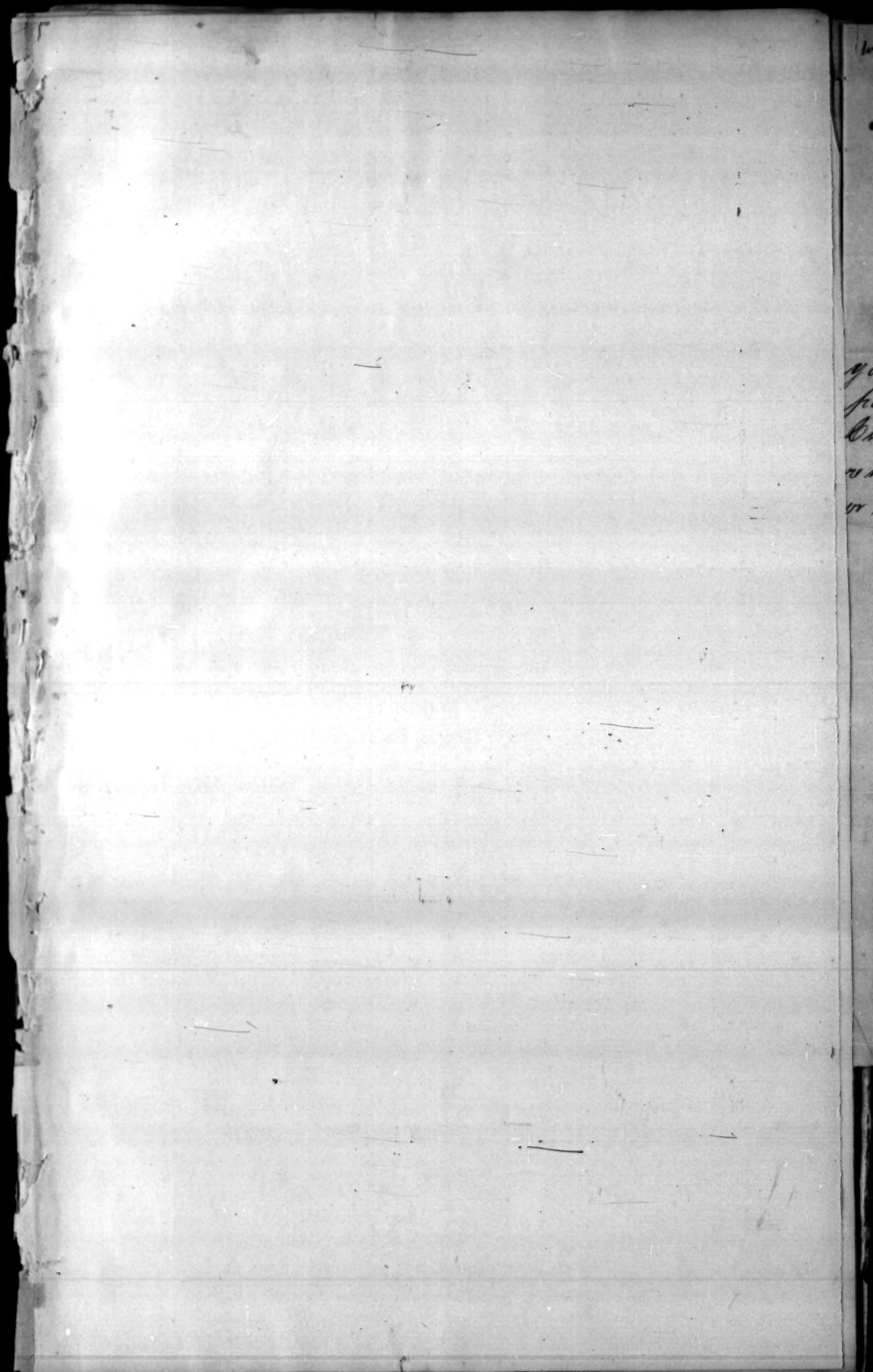


the Emperor of China. In  
making this communication to  
His Excellency Loo, Governor  
General of the two Kwangs I  
please to assure him of my great  
respect and consideration.

with great respect  
Truly  
(Signed) C. H. Stirling  
Flag Officer  
Charge'd Affairs, ad interim







with Commodore Stirling 19<sup>th</sup> Oct<sup>r</sup>

Hong Kong July 26<sup>th</sup> 1864

To

Commander C. N. Stirling

Chargé d'Affaires ad interim of the U. States  
of America to China.

Sir,

We have the honour to own receipt of  
your Communication of 23<sup>rd</sup> inst. accompanied with three  
packages containing the Archives of the U. S. Legation in  
China which in accordance with your request we will  
retain subject to the instructions of the State Department  
or until the arrival of the Minister or Secty. of Legation.

We are Sir

Your Obedt Serv<sup>ts</sup>

Alphonsus C.